

Glenn Goldsmith, President
Michael J. Domino, Vice-President
John M. Bredemeyer III
A. Nicholas Krupski
Greg Williams



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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, August 19, 2020

5:30 PM

Present Were: Glenn Goldsmith, President
Michael J. Domino, Trustee
John M. Bredemeyer, Trustee
A. Nicholas Krupski, Trustee
Greg Williams, Trustee
Elizabeth Cantrell, Senior Clerk Typist
Dianne DiSalvo, Clerk
Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, September 9, 2020 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, September 16, 2020 at 5:30 PM

WORK SESSIONS: Monday, September 14, 2020 at 5:00 PM, and on
Wednesday, September 16, 2020 at 5:00 PM.

MINUTES: Approve Minutes of July 13, 2020 and July 15, 2020.

TRUSTEE GOLDSMITH: Good evening and welcome to our Wednesday, August 19th, 2020 meeting. At this time I would like to call the meeting to order and ask that you please stand for the pledge of allegiance.
(Pledge of Allegiance is recited).

I'll start off by announcing the people on the dais as they appear on the screen. We have Trustee Domino, Trustee Bredemeyer, Trustee Williams, Trustee Krupski. We have Assistant Town Attorney Damon Hagan. We have Senior Clerk Typist Elizabeth Cantrell. We have Clerk Dianne DiSalvo, and we have with us tonight Court Stenographer Wayne Galante.

Agendas for tonight's meeting are located on the Town's website. We do have a number of postponements tonight.

On the agenda, postponements are on page 15, number 13, Patricia C. Moore, Esq., on behalf of **JOHN & DANIELLE VENETIS** requests an Administrative Amendment to Wetland Permit #9525 for

the addition of a thru-flow cap on the bulkhead and to establish and perpetually maintain a 10' no fertilization non-turf buffer with 8' stone blend 4" deep landward of the bulkhead; and to not place 25' cubic yards of clean sand from an approved source to raise the depth of the grade below water and allow the growth of intertidal marsh, and plant 1,000 sq. ft. of new marsh 12" o.c.; and retain clean sand with approximately 85 linear feet of pinned bio-logs or equal with a top elevation of 2.0'.

Located: 2600 Takaposha Road, Southold. SCTM# 1000-87-6-4.

On page 16, number two, Costello Marine Contracting Corp. on behalf of **CLAUDIA PURITA** requests an Amendment to Wetland Permit #9276 and Coastal Erosion Permit #9276C to allow for the "as-built" installation of 1.5 to 3-ton rock armoring in front of the newly constructed bulkhead, $\pm 1,260$ cubic foot (60.5 tons) of rock to be placed below spring high water level; as-built two 11-foot high concrete terracing block retaining walls in lieu of the previously approved 5-foot high retaining walls on face of bluff; install a pervious gravel splash curtain landward of bulkhead; construct a revised stairway and walkway consisting of a 4' wide terraced walkway from top of bluff towards top retaining wall; construct 3' wide by 14'2" long stairs off top retaining wall to area between two retaining walls; construct a 5'x4' cantilevered platform with 3' wide by 14'2" long set of steps to area in between lower retaining wall and bulkhead; construct a 5'x4' cantilevered platform off bulkhead with 3'x9'2" seasonal aluminum stairway to beach; and to revegetate bank with native plantings.

Located: 19995 Soundview Avenue, Southold. SCTM# 1000-51-4-6.

On page 22, numbers 17 and 18:

Number 17, Suffolk Environmental Consulting on behalf of **106 MULBERRY CORP.** requests a Wetland Permit to construct a two story, single family dwelling (25'x42'4", $\pm 1,058.25$ sq. ft.) with attached 7.3'x48.2' (351.86 sq. ft), deck on south side of dwelling; install a 25'x6' (± 150 sq. ft.) stone driveway, a 12'x20' parking area on west side of proposed dwelling, and an 11'x20' parking area on north side of proposed dwelling; install a new innovative, alternative nitrogen reducing water treatment system (AI/OWTS); install sanitary retaining wall at an overall length of 99.5' and a width of 8.0" across the top of the wall; and to replace the failing bulkhead on west side and north side of the lot as well as to replace the wood jetty which extends into West lake, consisting of 198.0 linear feet of bulkhead to be replaced along the westerly and northerly portions of the subject property with the following measurements: Timber top cap: 2.25' wide extended along the entirety of the bulkhead to be replaced, 9" diameter timber piles, 6"x6" timber walers, $\pm 6.0'$ long tie-rods, $\pm 6"$ diameter dead-men, and the use of vinyl sheathing (CLOC or similar); the bulkhead return located perpendicular to the northerly portion of the bulkhead to be replaced at an overall length of 11.0' with a 2.25' wide top-cap, 9.0" diameter piles, 6"x6" timber walers, $\pm 6.0'$ long

tie-rods, ± 6 " diameter dead-men, and vinyl sheathing (CLOC or similar); the existing wood jetty to be replaced with new 15.0' long jetty with 9.0" diameter piles placed 1.5' o/c alternating between the east and west sides of the jetty, the use of vinyl sheathing (CLOC or similar), 6"x6" timber walers on both sides of the jetty, and 2.75' tie-rods; existing wood dock assembly to be removed at the start of the bulkhead replacement and re-installed in-kind and in-place at the completion of the bulkhead replacement consisting of a landward 5'x5' wood platform to a 14.1'x3.5' wooden ramp with 3.5' tall railings; a 13.5'x7.0' wooden float secured by four (4) 9.0" diameter piles with two on the landward side of the float and two on the seaward side of the float.

Located: 750 West Lake Drive, Southold. SCTM# 1000-90-2-1.

Number 18, Robert Wilson on behalf of **STEPHEN AND AMY LICATA** requests a Wetland Permit for the existing (2,601 sq. ft. footprint) two-story dwelling with attached garage; as-built two 5' wide gable dormers and one 9' wide gable dormer added to existing roof; as-built rebuild of existing 11'x30' screened porch and added a deck to its roof; as-built 30'x50' patio, and 68 linear feet of 2' wide stone wall, as well as a 7'x8' fire pit and 8'x20' pergola; as-built 83"x81-1/4" (46.8 sq. ft.) outdoor shower; and to install and perpetually maintain a 10' wide non-turf buffer along the landward side of existing concrete seawall.

Located: 670 Old Salt Road, Mattituck. SCTM# 1000-144-5-13.

Page 23, numbers 19 through 23:

Number 19, Jeffrey Patanjo on behalf of **RICHARD LIEBOWITZ & CONSUELO PROL** requests a Wetland Permit for the removal and replacement of existing 4'x34' fixed catwalk with steps on both ends and Thru-Flow decking in same location as existing, and construction of a proposed seaward 6'x16' fixed dock situated in a "T" configuration with un-treated decking; and to hand-cut Common Reed (*Phragmites australis*) within a 75' wide section surrounding the catwalk to 12" in height above the ground surface two times a year.

Located: 1000 Beachwood Lane, Southold. SCTM# 1000-70-10-59.

Number 20, Cole Environmental Services on behalf of **MARY HOVEY** requests a Wetland Permit to install $\pm 120'$ of new low-sill vinyl bulkheading with new 8" piles; a 23' return at west end, and an 8' return at east end; existing piles, dock, ramp, and float to remain; regrade bank to establish 1:2 slope; place rip-rap on slope and plantings from behind bulkhead to proposed toe of slope; use bank material as bulkhead backfill (approx. 30 cubic yards); excess material to be removed to an upland site as needed; install and perpetually maintain a 10' wide non-turf pervious buffer comprised of rock rip-rap landward of the low-sill bulkhead; and all disturbed areas outside the low-sill bulkhead and rip-rap areas to be seeded and mulched following the completion of construction activities; place silt fence behind bulkhead; all timber shall be pressure treated No. 2 southern pine, and all hardware to be hot-dip galvanized.

Located: 4500 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-32.

Number 21, Patricia Moore, Esq. on behalf of **GORDON LAU & MAMIE CHIANG** requests a Wetland Permit to replace previously existing dock, ramp and float using existing 10" diameter and one 8" diameter pilings consisting of a proposed 4'x20' fixed catwalk with Thru-Flow decking; 3.5'x18' aluminum ramp; and a 6'x20' floating dock situated in an "I" configuration.

Located: 1450 Jockey Creek Drive, Southold. SCTM# 1000-70-5-17.

Number 22, Patricia Moore, Esq. on behalf of **NICHOLAS PACE** requests a Wetland Permit for the existing one-story 1,872 sq. ft. dwelling with 10'x22.2' roof over concrete patio, 23.6'x23' garage and roof top patio, 3.4'x10.5' outdoor shower; 21'x7' pergola, 20'x25' raised patio with BBQ grill and 7.5'x16.3' swim/spa surrounded by 15'x26' stone walls; on-grade brick paver driveway; existing stockade fence on north and south property lines to the bulkhead; and to establish and perpetually maintain the existing non-turf buffer.

Located: 1760 Reydon Drive, Southold. SCTM# 1000-80-3-13.

And number 23, SU11 architecture + design on behalf of **JEFFREY & ANCA LEMLER** requests a Wetland Permit to install a new sand beach area on top of existing ground in a 25'x70' area and the sand filling will be 6" to 12", no deeper than 12"; the sand will be "Cemex, ARB Certified, washed/cleaned/kin dried" or similar brand that complies with this characteristic, approximately 50 cubic yards of sand will be needed; install a border of landscaping boulders that will be set to separate the current existing beach area from the new proposed beach area; 50 linear feet of stones will be needed; on the inland side of the proposed beach area steel garden edging will separate the landscape from the beach area; general cosmetic landscape improvements are proposed: Additional native vegetation will be planted (26 medium shrubs and 40 small shrubs and plants approximately); all existing trees to remain; a new approximately 6'x60' gravel path is proposed from the beach area to the house which will be contained with flexible steel gardening edges, as well as steps needed along the path and changes in height; approximately 4 cubic yards of gravel will be needed; areas of wood chips are proposed along the property lot line and around planting areas, approximately 9 cubic yards of wood chips will be needed; no structures need to be erected on site for this work, the sand will be deposited with a small Bobcat; all material and plants will be locally sourced at a local landscaping installer who will execute and supervise the work.

Located: 320 Broadwaters Road, Cutchogue. SCTM# 1000-104-10-6.

And on page 24, numbers 24 through 27.

Number 24, Jeffrey Patanjo on behalf of **PETER & DIANA O'NEILL** requests a Wetland Permit to clear underbrush, saplings and dead leaf matter along existing bluff area; install two (2) drywells in the driveway (6' diameter by 6' deep), to capture all driveway runoff prior to overflowing bluff and connected to roof leaders to capture roof runoff.

Located: 5875 Vanston Road, Cutchogue. SCTM# 1000-118-1-1.3.

Number 25, **GREG SCHULZ** requests a Wetland Permit for the as-built cutting and discarding of rotten vegetation and dead tree; and to revegetate with native plants within the approximately 16'x24' disturbed area at the property of the Donald P. Brickley Irrevocable Trust.

Located: 7230 Skunk Lane (At Corner of Oak Drive and Hickory Drive), Cutchogue. SCTM# 1000-104-6-10.1

Number 26, Jeffrey Patanjo on behalf of **WILLIAM MACGREGOR** requests a Wetland Permit to remove existing fixed dock, ramp and floating dock and replace in the same approximate location as existing dock a new 4' wide by 80' long fixed pier with thru flow decking on entire surface; a new 30" wide by 16' long aluminum ramp; and a new 6' wide by 20' long floating dock supported with two (2) 10" diameter piles; in addition, there will be a trimming and maintenance of a 4' wide cleared path from the proposed dock to the edge of existing maintained lawn.

Located: 1120 Broadwaters Road, Cutchogue. SCTM# 1000-104-9-2

Number 27, Cole Environmental Services on behalf of **ALBERT G. WOOD** requests a Wetland Permit to remove existing concrete seawall; debris in work area to be cleared to a N.Y.S. approved upland disposal facility; install ± 109 linear feet of new rock revetment to be constructed with $\pm 13'$ of stone armoring at north corner and $\pm 10'$ of stone armoring at south corner; backfill with ± 137 cubic yards of clean upland fill; existing wooden bulkhead to be modified to elevation 5.9 at point of intersection with revetment; and bulkhead modification to occur within property owner's lines only.

Located: 1000 First Street, New Suffolk. SCTM# 1000-117-7-32.

Those have all been postponed.

Under Town Code Chapter 275-8(c), files were officially closed seven days ago. Submission of any paperwork after that date may result in the delay of processing of the application.

At this time I'll entertain a motion to have our next field inspection Wednesday, September 9th, 2020, at 8:00 AM at the Town annex. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: I'll entertain a motion to hold our next Trustee meeting Wednesday, September 16th, 2020, at 5:30 PM, via Zoom.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.
TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.
TRUSTEE KRUPSKI: Trustee Krupski, aye.
TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: I would like to make a motion hold our next work session via Zoom on Monday, September 14th, 2020, at 5:00 PM, and at 5:00 PM on Wednesday, September 16th, 2020.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: At this time I'll entertain a motion to approve the Minutes of July 13th, 2020, and July 15th, 2020.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

I. MONTHLY REPORT:

TRUSTEE GOLDSMITH: Under Roman numeral I, Monthly Reports, the Trustees monthly report for June 2020. A check for \$9,627.40 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for review.

IV. RESOLUTIONS - OTHER:

Under Roman numeral IV, Other, I make a motion to approve as a group items one through seven. They are listed as follows:

Number one, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **LAUGHING WATER PROPERTY OWNER ASSOCIATION**; Located: 2360 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-60

Number two, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **RICHARD LIEBOWITZ & CONSUELO PROL**; Located: 1000 Beachwood Lane, Southold. SCTM# 1000-70-10-59

Number three, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **BRIENZA FAMILY LIMITED PARTNERSHIP**;
Located: 1240 Latham Lane, Orient. SCTM# 1000-15-9-1.5

Number four, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **MICHAEL & SUSAN CAVOUNIS**;
Located: 3475 Wells Road, Peconic. SCTM# 1000-86-2-9

Number 5, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **MARIA ULMET**;
Located: 4600 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-33

Number six, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **ROBERT KRUDOP**;
Located: 4650 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-34

Number seven, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **MARY HOVEY**;
Located: 4500 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-32

That's my motion?

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

V. STATE ENVIRONMENTAL QUALITY REVIEWS

TRUSTEE GOLDSMITH: Under Roman numeral V, State Environmental Quality Reviews,

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section X Public Hearings Section of the Trustee agenda dated Wednesday, August 19, 2020 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

They are listed as follows:

Mary Ann Howkins SCTM# 1000-86-2-7

Seabreeze Condominium Association, c/o James Neuburger SCTM# 1000-44-5-25

106 Mulberry Corp. SCTM# 1000-90-2-1

John P. & Kimberly G. Keiserman SCTM# 1000-26-2-23

Hana Shaw Revocable Living Trust SCTM# 1000-87-5-8

Theodora Marangas, Theresa Marangas, Eileen Rayeski, Catherine Wilinski & Alice

Donlan SCTM #1000-107-7-8
John & Elizabeth Schroeder SCTM# 1000-114-4-1.1
William Murphy & Kimberly Reece SCTM# 1000-118-1-4.1
Charles & Geraldine Riesterer SCTM# 1000-70-4-47
Steven & Jaci Osdoby SCTM# 1000-53-3-8
Patricia Goeller Kirkpatrick SCTM# 1000-111-1-34
Charles G. Pardee SCTM# 1000-126-11-3.1
61600 Main Road, LLC SCTM# 1000-56-6-3.4
Stephen & Amy Licata SCTM# 1000-144-5-13
Jonathan Rebell & Noah Levine SCTM# 1000-74-1-35.56

TRUSTEE GOLDSMITH: That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: **RESOLVED** that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section X Public Hearings Section of the Trustee agenda dated Wednesday, August 19, 2020, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

VI. ENVIRONMENTAL DECLARATION OF SIGNIFICANCE PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NYCCR PART 617:

TRUSTEE GOLDSMITH: Under Roman numeral VI Environmental Declaration of Significance pursuant to New York State Environmental Quality Review Act NYCCR Part 617.

Number one

DESCRIPTION OF ACTION: Michael Kimack on behalf of **LAUGHING WATER PROPERTY OWNERS ASSOCIATION** requests a Wetland Permit to construct a 76' long by 18' wide at low water, and 3' in height at highest point, a Living Shoreline consisting of approximately 40 cubic yards of rip-rap, 20 cubic yards of biodegradable sandbags, 420 sq. ft. of *Spartina patens* at 9" o/c; and to construct approximately 60' of Living Shoreline consisting of approximately 20 cubic yards of biodegradable sandbags and 480 sq. ft. of *Spartina patens* at 9" o/c.

Located: 2360 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-60

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 11, 2020, and having considered the survey of property by Peter A. Groben Land Surveyor dated September 5, 2019, and having considered the plans for this proposed project submitted by Michael Kimack dated January 4, 2020 at the Trustee's August 17, 2020 work session, and

WHEREAS, on August 19, 2020 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,

WHEREAS, on August 19, 2020 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and,

WHEREAS, in reviewing site plan submitted by Michael Kimack dated January 4, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Living Shoreline project including the plantings of Spartina Paten will benefit the wetland habitat, wildlife and other wetland functions and values.
- Vegetative, non-structural measures are not capable of stabilizing the erosion alone.
- Protection of the Living Shoreline using hardened structures including rip rap is necessary for the native vegetation to take hold and survive.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for an erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number two,

DESCRIPTION OF ACTION: Jeffrey Patanjo on behalf of **RICHARD LIEBOWITZ & CONSUELO PROL** requests a Wetland Permit for the removal and replacement of existing 4'x34' fixed catwalk with steps on both ends and Thru-Flow decking in same location as existing, and construction of a proposed seaward 6'x16' fixed dock situated in a "T" configuration with un-treated decking; and to hand-cut Common Reed (*Phragmites australis*) within a 75' wide section surrounding the catwalk to 12" in height above the ground surface two times a year.

Located: 1000 Beachwood Lane, Southold. SCTM# 1000-70-10-59

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 11, 2020, and having considered the survey of property by John C. Ehlers Land Surveyor dated December 5, 2018, and having considered the

plans for this proposed project submitted by Jeffrey Patanjo dated January 7, 2020 at the Trustee's August 17, 2020 work session; and,
WHEREAS, on August 19, 2020 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,
WHEREAS, on August 19, 2020 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and,
WHEREAS, in reviewing site plan submitted by Jeffrey Patanjo dated January 7, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation and United States Army Corps. Of Engineers guidelines and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.
- Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks historically are used for commercial and recreational purposes
- Scope in relation to the riparian rights of shell fishers: The plan allows a standard fixed dock design that will not impede access for those seeking shellfish and crustacea in season.
- Scope in relation to view shed: The seaward end of the proposed dock will not extend appreciably beyond existing docks. As such the perspective will not be discernibly different from the existing view.
- Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number three,

DESCRIPTION OF ACTION: Rising Tide Waterfront Solutions on behalf of **BRIENZA FAMILY LIMITED PARTNERSHIP** requests a Wetland Permit and a Coastal Erosion Permit to construct 132 linear feet of composite retaining wall including a 12' return at each end within the area adjacent to tidal waters landward of the mean high water elevation; relocate and install armor stone for wave and scour protection along seaward face of the proposed wall and along the existing vegetated slope for a total of 235 linear feet of stone armoring; and to replace the existing damaged timber stairs to beach with new 5' wide timber stairs.

Located: 1240 Latham Lane, Orient. SCTM# 1000-15-9-1.5

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the March 11, 2020, and having considered the survey of property by Nathan Taft Corwin III Land Surveyor last dated February 13, 2019, and having considered the plans for this proposed project submitted by Rising Tide Waterfront Solutions dated November 4, 2019 at the Trustees August 17, 2020 work session; and, WHEREAS, on August 19, 2020 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and, WHEREAS, on August 19, 2020 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and, WHEREAS, in reviewing site plan submitted by Rising Tide Waterfront Solutions dated November 4, 2019 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bank alone.
- Protection of the bank using hardened structures including rock revetments is necessary.
- As time progresses, continued soil loss at the bank may lead to habitat degradation and bank instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bank stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number four,

DESCRIPTION OF ACTION: En-Consultants on behalf of **MICHAEL & SUSAN CAVOUNIS** requests a Wetland Permit to construct approximately 151 linear

feet of vinyl bulkhead in place of existing timber bulkhead; remove and replace in-place ±22' northerly timber bulkhead return with vinyl return; backfill with approximately 25 cubic yards of clean sandy fill to be trucked in from an approved upland source; remove existing dock structure consisting of a 7'x8' deck, 7'x17' fixed walkway, 4'x16' ramp, and 8'x12' floating dock, and construct in the same location a new dock (to be connected to water and electricity), consisting of a 4'x39' fixed timber catwalk constructed with open-grade decking and rope handrail; 3'x14' hinged ramp, and 6'x20' floating dock situated in an "I" configuration and secured by two (2) 10" diameter pilings; construct a 10'x15' grade-level, untreated wood deck landward of dock and bulkhead; and to establish and perpetually maintain a 10' wide non-turf buffer along the landward edge of the bulkhead.

Located: 3475 Wells Road, Peconic. SCTM# 1000-86-2-9

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 11, 2020, and having considered the survey of property by Nathan Taft Corwin III Land Surveyor last dated September 25, 2019, and having considered the plans for this proposed project submitted by En-Consultants dated January 30, 2020 at the Trustee's August 17, 2020, work session; and, WHEREAS, on August 19, 2020 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and, WHEREAS, on August 19, 2020, the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and, WHEREAS, in reviewing site plan submitted by En-Consultants dated January 30, 2020, it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation and United States Army Corps. Of Engineers guidelines and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.
- Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks historically are used for commercial and recreational purposes.
- Scope in relation to the riparian rights of shell fishers: The plan allows a standard ramp to float design that will not impede access for those seeking shellfish and crustacea in season.
- Scope in relation to view shed: The seaward end of the proposed dock will not extend appreciably beyond existing docks. As such the perspective will not be discernibly different from the existing view.
- Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number five,

DESCRIPTION OF ACTION: Cole Environmental Consulting on behalf of **MARIA ULMET** requests a Wetland Permit to install ±119' of new

vinyl low-sill bulkheading and 8" piles along mean high water as indicated, and two (2) 8' returns at each end; existing piles to remain; regrade bank to establish 1:2 slope and place rip-rap; use bank material as bulkhead backfill (approx. 5 cubic yards); excess material to be removed to an upland site as necessary; install and perpetually maintain a 10' wide non-turf pervious buffer composed of rock rip-rap along the landward edge of the low-sill bulkhead; install silt fencing behind bulkhead; all timber shall be pressure treated No. 2 southern pine and all hardware shall be hot-dip galvanized; and all disturbed areas outside low-sill bulkhead and rip-rap areas are to be reseeded and mulched following completion of the construction activities. Located: 4600 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-33

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 11, 2020, and having considered the survey of property by Kenneth M. Woychuk Land Surveying PLLC dated December 1, 2018, and having considered the plans for this proposed project submitted by Caruso Engineering dated January 26, 2020 at the Trustee's August 17, 2020 work session; and, WHEREAS, on August 19, 2020 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and, WHEREAS, on August 19, 2020 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and, WHEREAS, in reviewing site plan submitted by Caruso Engineering dated January 26, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bank alone.
- Protection of the bank using hardened structures including low sill bulkheading and rip rap is necessary.
- As time progresses, continued soil loss at the bank may lead to habitat degradation and bank instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bank stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number six,

DESCRIPTION OF ACTION: Cole Environmental Consulting on behalf of **ROBERT KRUDOP** requests a Wetland Permit to install $\pm 131'$ of new vinyl low-sill bulkheading and 8" piles along mean high water as indicated, and an 8' return at south end; existing piles, dock, ramp, and float to remain; regrade bank to establish 1:2 slope and place rip-rap; use bank material as backfill (approx. 50 cubic yards); excess material to be removed to an upland site as necessary; install and perpetually maintain a 10' wide non-turf pervious buffer composed of rock rip-rap along the landward edge of the low-sill bulkhead; install silt fencing behind bulkhead; all timber shall be pressure treated No. 2 southern pine; all hardware to be hot-dip galvanized; and all disturbed areas outside the low-sill bulkhead and rip-rap areas are to be reseeded and mulched following completion of the construction activities.

Located: 4650 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-34

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 11, 2020, and having considered the survey of property by Kenneth M. Woychuk Land Surveying PLLC dated December 1, 2018, and having considered the plans for this proposed project submitted by Caruso Engineering dated January 26, 2020 at the Trustee's August 17, 2020 work session; and, WHEREAS, on August 19, 2020 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and, WHEREAS, on August 19, 2020 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and, WHEREAS, in reviewing site plan submitted by Caruso Engineering dated January 26, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bank alone.
- Protection of the bank using hardened structures including low sill bulkheading and rip rap is necessary.
- As time progresses, continued soil loss at the bank may lead to habitat degradation and bank instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bank stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number seven,
DESCRIPTION OF ACTION: Cole Environmental Services on behalf of **MARY HOVEY** requests a Wetland Permit to install $\pm 120'$ of new low-sill vinyl bulkheading with new 8" piles; a 23' return at west end, and an 8' return at east end; existing piles, dock, ramp, and float to remain; regrade bank to establish 1:2 slope; place rip-rap on slope and plantings from behind bulkhead to proposed toe of slope; use bank material as bulkhead backfill (approx. 30 cubic yards); excess material to be removed to an upland site as needed; install and perpetually maintain a 10' wide non-turf pervious buffer comprised of rock rip-rap landward of the low-sill bulkhead; and all disturbed areas outside the low-sill bulkhead and rip-rap areas to be seeded and mulched following the completion of construction activities; place silt fence behind bulkhead; all timber shall be pressure treated No. 2 southern pine, and all hardware to be hot-dip galvanized. Located: 4500 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-32

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 11, 2020, and having considered the survey of property by Kenneth M. Woychuk Land Surveying PLLC dated December 1, 2018, and having considered the plans for this proposed project submitted by Caruso Engineering dated January 26, 2020 at the Trustee's August 17, 2020 work session; and,
WHEREAS, on August 19, 2020 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and,
WHEREAS, on August 19, 2020 the Southold Town Board of Trustees classified the application as an unlisted action pursuant to S.E.Q.R.A.; and,
WHEREAS, in reviewing site plan submitted by Caruso Engineering dated January 26, 2020 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bank alone.
- Protection of the bank using hardened structures including low sill bulkheading and rip rap is necessary.
- As time progresses, continued soil loss at the bank may lead to habitat degradation and bank instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bank stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

VII RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE GOLDSMITH: Under Roman numeral VII, Resolutions, Administrative Permits. In order to simplify our meetings, the Board of Trustees regularly groups together actions that are minor or similar in nature.

Accordingly, I'll make a motion to approve as a group numbers one through three and five through nine. They are listed as follows:

Number one, **1160 SNUG HARBOR LLC** requests an Administrative Permit to install a 91"x100" hot tub on 10'x10' concrete slab adjacent to northeast corner of patio; for the as-built 6'x30' wood deck; and to incorporate the existing northwest drywell as a means of hot tub drainage.

Located: 1160 Snug Harbor Road, Greenport. SCTM# 1000-35-5-39.1

Number two, **1955 BENTE & JOE LLC** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to maintain walkway to beach 12" in height by hand, as needed.

Located: 1935 Old Wood Path, Southold. SCTM# 1000-87-2-21

Number three, En-Consultants on behalf of **ATHENA GUO & XIAOYANG ZHU** requests an Administrative Permit to remove and replace in-place approximately 73lf of timber bulkhead with vinyl bulkhead; remove and replace in-place existing +/-27' easterly timber return with vinyl return; remove and replace in-place +/-18' timber section of existing +/-48' westerly return with vinyl return (+/-30' vinyl section of existing return to remain); backfill with approximately 15 cubic yards of clean sand to be trucked in from an approved upland source; reset existing +/-12' wide stone splash pad adjacent to bulkhead and returns upon completion of construction, and maintain 20' wide non-turf buffer adjacent to bulkhead.

Located: 540 Takaposha Road, Southold. SCTM# 1000-87-6-9

Number five, Glynis Berry, AIA on behalf of **GARY COMORAU** requests an Administrative Permit to abandon and fill in the existing sanitary system and install a new Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS).

Located: 2050 Mason Drive, Cutchogue. SCTM# 1000-104-7-17

Number six, J.M.O. Environmental Consulting on behalf of **CHOCOMOUNT COVE PARTNERS, LLC c/o ELIZABETH C. CALLANDER** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to remove and dispose of invasive plants, noxious shrubs, including Japanese Honeysuckle (*Lonicera japonica*), Oriental Bittersweet (*Celastrus articulatus*), Poison Ivy (*Rhus radicans*), Virginia Creeper (*Parthenocissus quinquefolia*), and Black Cherry (*Prunus serotina*), vines and dead trees; to seed the area with a meadow mix of grasses and wildflowers; plant Tupelo (Gum) (*Nyssa sylvatica*), Bay Berry

(Myrica pensylvanica), Beach Plum (Prunus maritime) and Staghorn Sumac (Rhus typhina).

Located: 12244 East Main Road, Fishers Island. SCTM# 1000-3-2-6

Number seven, Michael A. Kimack on behalf of **LESLIE GAZZOLA REVOCABLE TRUST** requests an Administrative Permit to construct a 455 sq. ft. on grade paver patio surrounding existing 112 sq. ft. porch.

Located: 495 Elizabeth Lane, Southold. SCTM# 1000-78-5-2

Number eight, William A. Scherer, R.A., on behalf of **DOMINIC & PATRICIA GRASSO** requests an Administrative Permit to repair/replace stone paving at top surface of existing raised 45'x13'7.5" masonry patio and 8'x7"x6' steps at rear, east side of patio; 9'3"x6'5" steps at south side of patio with 4'9"x7'10" landing; one set of steps 4'9"x5'6" and one set of steps 4'9"x4'1"; removal and replacement of non-code compliant railings with code compliant railings.

Located: 1155 Arshamomaque Avenue, Southold. SCTM# 1000-66-3-6

Number nine, **MICHAEL & ROBIN COLAPIETRO** request an Administrative Permit to place concrete pavers on top of existing 67'x30' concrete driveway.

Located: 3800 Deep Hole Drive, Mattituck. SCTM# 1000-115-17-6.1

That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number four, **CHRIS CYPRUS** requests an Administrative Permit to erect a split rail fence approximately 60' long and 3' high running from beach grass up to MHW along the side property lines; install generator on raised 4'x5' platform, alongside existing A/C units on side of house.

Located: 1100 Sound Beach Drive, Mattituck. SCTM# 1000-99-1-4.2

The Trustees conducted a field inspection on this and there were two sets of rack lines, so we just wanted to distinguish the length.

So I make a motion to approve this application with the condition that the fence is no more than 219 feet from the northwest corner of the house, which is 73 yards, as we indicated in the field.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number ten, **JAMES & CATHY SLECKMAN JAMES & CATHY SLECKMAN** request an Administrative Permit to upgrade their existing septic system to an Innovative and Alternative Onsite Wastewater Treatment System (I/A OWTS); for the existing 4'x5'6"

outdoor shower with drain joined to a 4" wide drain pipe which empties into existing drywell.

Located: 150 Oak Avenue, Southold. SCTM# 1000-77-2-5

At the work session, the original application had a different project description, so I make a motion to approve this application based on this new project description that includes the outdoor shower and drain.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

VIII. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE GOLDSMITH: Under Roman numeral VIII, Applications for Extensions, Transfers and Administrative Amendments.

Again, in order to simplify the meeting I'll make a motion to approve as a group numbers one through 12. They are listed as follows:

Number one, En-Consultants on behalf of **CUTCHOQUE 6291, LLC c/o STEPHANIE GUILPIN** requests a One (1) Year Extension to Wetland Permit #9293 and Coastal Erosion Permit #9293C as issued on August 15, 2018.

Located: 6291 Oregon Road, Cutchogue. SCTM# 1000-82-2-3.2

Number two, En-Consultants on behalf of **CUTCHOQUE 6213, LLC c/o STEPHANIE GUILPIN** requests a One (1) Year Extension to Wetland Permit #9292 and Coastal Erosion Permit #9292C as issued on August 15, 2018.

Located: 6213 Oregon Road, Cutchogue. SCTM# 1000-82-2-3.1

Number three, **DAVID ECKERT** requests the Last One (1) Year Extension to Wetland Permit #9002 as issued on April 19, 2017.

Located: 1035 Waterview Drive, Southold. SCTM# 1000-78-7-14

Number four, Patricia C. Moore, Esq., on behalf of **GAVIN McCUTCHEN** requests a Transfer of Wetland Permit #9325 from Brendan & Mindy Dooley, as issued on October 17, 2018.

Located: 145 Dickerson Street, Peconic. SCTM# 1000-67-3-11

Number five, David Jude Jannuzzi on behalf of **DANYAO DANIELLE CHANG** requests a Transfer of Wetland Permit #2200 from Mathias Mone to Danyao Danielle Chang, as issued on April 14, 1986.

Located: 2830 Grandview Drive, Orient. SCTM# 1000-14-2-3.5

Number six, Patricia C. Moore, Esq., on behalf of **PETROS & PENNY TSEKOURAS** requests a Transfer of Wetland Permit #5766 from Joanna & Dennis Lane to Petros & Penny Tsekouras, as issued on May 21, 2003.

Located: 1852 North Bayview Road, Southold. SCTM# 1000-70-12-39.4

Number seven, Patricia C. Moore, Esq., on behalf of **PETROS & PENNY TSEKOURAS** requests a Transfer of Wetland Permit #6817 from Joanna Lane to Petros & Penny Tsekouras, as issued on February 27, 2008.

Located: 1852 North Bayview Road, Southold. SCTM# 1000-70-12-39.4

Number eight, **MARY McKAY** requests a Transfer of Wetland Permit #8575 from Shatswell Properties, Inc. to Mary McKay, as issued on March 18, 2015 and for an Administrative Amendment to Wetland Permit #8575 for the reconfiguration of elevated timber bluff stairway with railings, consisting of: 3 steps 3.5'x0.8' to a 3.5'x8' deck; 20 steps 3.5'x0.8' to a 3.5'x4.2' deck and 3.5'x4.2' deck with seat; 19 steps 3.5'x0.8' to a 3.5'x4.2' deck with seat and a 3.5'x4.2' deck; 19 steps 3.5'x0.8' to a 3.5'x4.2' deck with seat and a 3.5'x4.2' deck; 19 steps 3.5'x0.8' to a 3.5'x4.2' deck and 3.5'x4.2' deck with seat; 19 steps 3.5'x0.8' to a 3.5'x6.9' deck; 10 steps 3.5'x0.8' to a 3.5'x10.2' deck; 10'x2' retractable ladder.

Located: 450 Castle Hill Road, Cutchogue. SCTM# 1000-72-1-1.8

Number nine, **STEVEN & DEBORAH WICK** request an Administrative Amendment to Administrative Permit #9541A to include a Ten (10) year maintenance permit for the removal of invasive Japanese Knotweed by manual cutting without the use of machinery.

Located: 1541 Stillwater Avenue, Cutchogue. SCTM# 1000-103-1-19.7

Number ten, Costello Marine Contracting Corp., on behalf of **CONSTANCE VICKERS** requests an Administrative Amendment to Administrative Permit #9509A to move waterside section of fencing 24' landward so that it is installed on top of existing wood retaining wall, thereby reducing the overall footage of the fencing to 438 feet.

Located: 900 Holbrook Lane, Mattituck. SCTM# 1000-113-6-11

Number eleven, Michael A. Kimack on behalf of **KEVIN S. McLEOD & CHUN Y. CHEUNG** requests an Administrative Amendment to Wetland Permit #9434 for the as-built 100' of 6' high stockade fencing which commences at the top of the bluff and continues landward.

Located: 605 Soundview Avenue, Mattituck. SCTM# 1000-94-1-4

Number 12, **JAMES H. RICH III, LESLIE E. RICH & CRAIG B. RICH** request an Administrative Amendment to Wetland Permit #9498 to construct a 4'x10' section off of the seaward end of the fixed dock, situated in a "T" configuration in lieu of the previously approved 6'x10' section.

Located: 1470 Hobart Road, Southold. SCTM# 1000-64-3-2.1

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All those in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Point of information. I had notes that I had taken on John and Danielle Venetis. I thought we might revisit that one, or is this the new numbering?

TRUSTEE GOLDSMITH: Yes, in the agenda number 13, Venetis, was postponed.

TRUSTEE BREDEMEYER: Okay, we had new numbers. Okay.

Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

IX. MOORINGS/STAKE & PULLEY SYSTEMS:

TRUSTEE GOLDSMITH: Under Roman numeral IX, moorings, stake & pulley systems. Again, to simplify it, I make a motion to approve as a group items one through six. They are listed as follows:

Number one, **JOSEPH P. LOMONACO** requests a Mooring Permit for a mooring in Richmond Creek for a 17' outboard motor boat, replacing Mooring #92. Access: Public.

Number two, **OVERTON DAY** requests a Mooring Permit for a mooring in Richmond Creek for a 26' outboard motorboat, replacing Mooring #872. Access: Public

Number three, **ADAM SHEBITZ** requests an on-shore/off-shore Stake & Pulley System Permit off of private property in Hashamomuck Pond for a 15' outboard motorboat. Access: 630 Ruch Lane, Southold. SCTM# 1000-52-2-26

Number four, **JAMES FINORA** requests a Mooring Permit for a mooring in Little Creek for a 19' outboard motorboat, replacing Mooring #39. Access: Public

Number five, **LEONARD BRAUN** requests a Mooring Permit for a mooring in Mattituck Creek for a 22' Sailboat, replacing Mooring #937. Access: Public

Number six, **ROBERT EHRlich** requests a Stake and Pulley System Permit in Narrow River for a 14' sailboat, replacing Stake #4. Access: Public
TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Aye.

X. PUBLIC HEARINGS:

TRUSTEE GOLDSMITH: Under Roman numeral X, public hearings. At this time I'll make a motion to go off our regular meeting agenda and enter into the public hearings.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: This is a public hearing in the matter of following applications for permits under the Wetlands ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. Please keep your comments brief and organized, five minutes or less, if possible.

If you need to or if you would like to comment on any particular application, please use your hand and we'll turn you on so you can be seen and heard.

AMENDMENTS:

TRUSTEE GOLDSMITH: Under Amendments, number one, Patricia Moore, Esq., on behalf of **MARY ANN HOWKINS** requests an Amendment to Wetland Permit #9614 to demolish the existing dwelling and construct in-place a new 2,161 sq. ft. one-story dwelling with attached garage in lieu of renovating the existing one-story dwelling, with all other permitted work to be performed.

Located: 3245 Wells Road, Peconic. SCTM# 1000-86-2-7.

The LWRP coordinator found this to be consistent, with the installation of a vegetated non-turf buffer and the installation of an IA system landward of the single-family residence.

The Conservation Advisory Council did not do an inspection on this property, therefore they did not make a recommendation.

The Trustees had a previous approval permit from December, 2019. The amendment was for what was deemed a demo after they got their permit. So they are coming in for an amendment.

Is there anyone here who wishes to speak regarding this application?

MR. BELNIAK: We do have in the audience, there is a hand raised -- just to point out, though, we have Mary Ann Howkins in the audience, as well as Patricia Moore. Mary Ann and Patricia, seems you are listed on the item, if you would like to speak, just raise your hand.

We have another hand raised that is not one of those hands raised, Mr. Goldsmith.

So Patricia Moore just raised her hand. Patricia, I'm going to send a command to open your mic. You should see that command. If you want to un-mute your mic and you can comment on behalf of this.

MS. MOORE: Hello, how are you? How is everyone?

MS. CANTRELL: If I could interrupt. Mr. Fay is the architect for this project.

MS. MOORE: Yes. I did ask Mr. Fay to also participate so he could describe exactly what the plan is, if the Trustees need a description.

TRUSTEE GOLDSMITH: Great.

MR. BELNIAK: Glenn, you're muted, by the way.

MS. MOORE: Mr. Fay, are you there?

MR. BELNIAK: Mr. Fay is here. Glenn, your line is muted.

TRUSTEE GOLDSMITH: Our question was, this new amendment, is the house going back in the exact same footprint as previous?

MS. MOORE: Yes, it is, and I'll have Mr. Fay explain it, but, very quickly, it is the exact same project, but when the Building Department got our plans, their concern was that we would not want to have the project somehow or other be interrupted, if they felt that material, there was too much, the 50% rule resulted in more material being removed than what was anticipated. But it's the identical plans. The drawings did not change for this application.

Mr. Fay, do you want to provide extra --

MR. FAY: As well as the building inspector was a little worried about not going over 50%, there is a clause in the Southold Building Code that is, if the project is deemed over 50% of the value of the existing structure, it then needs to be deemed a

demo and not an alteration. It's quite an extensive interior alteration, which is causing the project to be, the cost of the project to be over 50% of the value of the existing structure. So it would have to be deemed a demolition, even though we are keeping the foundation, we are keeping the roof, we are keeping the walls, exterior walls. It's more of a, it's an extensive renovation but needs to be deemed a demolition.

TRUSTEE GOLDSMITH: Okay. So basically the only difference between this amendment and the permit that has already been received is the definition of "demolish."

MR. FAY: Exactly. Exactly.

TRUSTEE GOLDSMITH: Does anyone else wish to comment on this application?

MR. BELNIAK: As of now there are no other hands raised.

TRUSTEE GOLDSMITH: Any questions or comments from the Board? (Negative response).

TRUSTEE KRUPSKI: No.

TRUSTEE GOLDSMITH: Hearing no further comments, I make a motion to close this hearing

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: And I make a motion to approve this application as submitted.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE DOMINO: Under Wetland & Coastal Erosion Permits, number one, Rising Tide Waterfront Solutions on behalf of **BRIENZA FAMILY LIMITED PARTNERSHIP** requests a Wetland Permit and a Coastal Erosion Permit to construct 132 linear feet of composite retaining wall including a 12' return at each end within the area adjacent to tidal waters landward of the mean high water elevation; relocate and install armor stone for wave and scour protection along seaward face of the proposed wall and along the existing vegetated slope for a total of 235 linear feet of stone armoring; and to replace the existing damaged timber stairs to beach with new 5' wide timber stairs.

Located: 1240 Latham Lane, Orient. SCTM# 1000-15-9-1.5.

The Trustees did a field inspection at the site on March 11th, 2020. All were present. Field notes suggest rock revetment or a heavy armoring of the face, and suggest a work session discussion. At the work session discussion it was

recommended that the rock revetment be configured to be similar to the neighboring revetment to the east.

The LWRP coordinator found this application to be consistent.

And the Conservation Advisory Council did not do an inspection therefore made no recommendations.

Is there anyone else, anyone present who would like to speak specifically to this application?

MR. BELNIAK: There is a hand raised. Hopefully I'm saying your first name correctly. Adon Austin. Adon, I sent a command to open your mic.

MR. AUSTIN: Adon Austin, Rising Tide Waterfront Solutions. As I understood the comment there that it was preferred that the rock revetment be similar to the adjacent property. That was looked at and the DEC, New York State DEC preferred just a single or dual layer of heavier armoring, not the hardened structure as similar to the adjacent structure. So that was in one of the alternates, we put together an alternate analysis and that was not preferred by the New York State DEC.

TRUSTEE DOMINO: Thank. Are there any additional comments from the Trustees Board?

TRUSTEE KRUPSKI: No

MR. BELNIAK: There are no other hands raised in the audience at the moment.

TRUSTEE DOMINO: Hearing no additional comments, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

MR. HAGAN: The motion is passed.

TRUSTEE DOMINO: In consideration of the DEC approved plans, I make a motion we approve this application as submitted.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE BREDEMEYER: And now, number two, Suffolk Environmental Consulting on behalf of **SEABREEZE CONDOMINIUM ASSOCIATION, c/o JAMES NEUBURGER** requests a Wetland Permit and a Coastal Erosion Permit to rehabilitate 199.0' of the existing 291.0' long southwesterly rock revetment; rocks to be sourced on-site and 1-3 ton stones to be supplemented as needed; stair assembly to be removed as well as all rocks within ten feet of the stairs to provide access for construction equipment; backfill area landward of the proposed revetment and seaward of the eroding bluff using approximately 360 cubic yards of clean backfill from an approved upland source to fill in the area between the bluff

and the revetment, at its widest portion 11.5' landward of the proposed revetment and 2.5' at its most narrow; stair assembly and rocks to be replaced upon completion of the rock revetment (in-kind and in-place) consisting of landward timber and gravel steps: 2.5' deep per step, 6.0' wide, and 47.0' long; wood platform: 4.0' wide, 8.6' long at the top of the escarpment with 3.0' high by 8.6' long railings; stairs: 3.0' wide, 10.0' long, 9.1' high at its peak with 3.0' high by 10.0' long railings; and to establish and perpetually maintain a 10' wide vegetated non-turf buffer area landward of the proposed revetment to be planted with beach grass (*Ammophila breviligulata*), 12" o/c at plug size (2,000± plugs total) thereon. Located: 60125 County Road 48, Greenport. SCTM# 1000-44.1-1-(1-16), also known as 1000-44-5-25

This project did not receive an inspection from the Conservation Advisory Council due to the COVID-19 shutdown, therefore we will not have a report from that agency.

The project has been deemed to be inconsistent with the Town's Local Waterfront Revitalization Program in that the program coordinator indicated that the proposal includes rocks to be sourced onsite on the beach to build a revetment. It is recommended that the Board prohibit the use of naturally occurring rocks on the beach in this private construction project. Removal of naturally occurring rocks on the beach will disrupt the shoreline dynamics.

The Board performed a field inspection of this property on March 11th. At that time we did note that the project rehabilitation as proposed fit the site. There was significant undercutting of the bank. Also at that time on field inspection, the Board did see that the stones which, the existing proposal of rocks be sourced on the beach were in fact in close proximity to and previously part of the existing shoreline protection, addressing concerns of the LWRP coordinator that the stone material to be repurposed was in fact already part of the existing structure. And I don't know if we have any comments or hands raised for participation or discussion.

MR. BELNIAK: There was a hand raised a moment ago but it has since disappeared. No, it's back.

Bruce, we sent a command to open your mic. Once you do so, the floor is yours.

MR. ANDERSON: Well, Trustee Bredemeyer put his finger on it. This actually started back when we met with Trustee Bredemeyer at pre-submission on January 14th. And we proceeded with this application based upon our collective review of the site, and those rocks are indeed as he said. What we are talking about, repurposing, are rocks that were initially part of the revetment that had moved as a result of storm activity. So I'm appreciative of Trustee Bredemeyer's description of this.

The only thing I want to add is that when you go there, you'll see that the access to the site will be where the existing stairs are so that what will happen here is, and it's

reflected in our plans, is that the stairs would be removed. I'm going to say the drop in elevation is about eight feet or so. And so the equipment will be accessed through where the stairs are, and the stairs simply will be replaced in-kind/in-place. That's really what the project is. And of course I'll answer any questions you may have.

TRUSTEE BREDEMEYER: Any additional questions or concerns of the Board?

(Negative response).

Hearing none, I make a motion to close the hearing in this matter.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE BREDEMEYER: Accordingly, I make a motion to approve this application as submitted in accordance with the set of stamped plans in the Trustee office dated January 30th, 2020, the plans of Suffolk Environmental Consulting noting that the use of the rocks being sourced onsite were part and parcel to the pre-existing, the revetment, and accordingly will bring this project into consistency with the LWRP.

That's my motion

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE KRUPSKI: Okay, number three, Patricia Moore, Esq. On behalf of **AYDA CANDAN** requests a Wetland Permit and a Coastal Erosion Permit for the existing 20.5'x42.2' two-story dwelling with 9'x20.5' second floor (living space) over existing deck, a 10'x20.5' on-grade patio (in front of bulkhead), a 20.5'x9' first floor deck with 3'x14' steps to grade on east side, and an 8'x30' concrete patio on grade in front yard; existing 25 linear foot long and 20 linear foot long cement retaining walls on west side; between front yard and rear yard an existing 20 linear foot long cement retaining wall with 3'x8' steps from front elevation to rear elevation; two (2) existing 20 linear foot long cement retaining walls on both sides of driveway; 50 linear feet of existing wood bulkhead running along mean high water mark connecting to westerly neighbor's bulkhead with a 20' return on east side; and for the existing steps on the east side of dwelling; proposed work to existing to include: Replacing supports (footings) of existing 29.5'x19' deck and deck columns; replace 12 cubic yards of fill with clean sand and gravel under

existing concrete patio and deck footings landward of existing bulkhead; add hurricane straps to existing above grade deck; existing cement block walls protecting support piles under the house (storm breaks) to be repaired or replaced with comparable "break away" material; on west side of house, repair or replace as needed, 3'x5' steps to bulkhead; repair or replace as needed, 3'x5' steps perpendicular to dwelling; repair or replace as needed, 4'x8' steps from side yard retaining wall to grade; on east side of dwelling, repair or replace 3'x10' deck stairs to grade; replace 4'x10' wood steps to grade; repair existing 4'x3' wood steps running from existing wood retaining wall to grade (alongside of existing house).

Located: 55955 County Road 48, Greenport. SCTM# 1000-44-1-18

The Trustees initially visited this property on the 8th of January, met with Pat Moore on the site, questioned operations conducted without a Coastal Erosion Permit. Specifically, the deck. Then did an inhouse review on the 5th of February, and then most recently we were waiting for plans was our latest review of this.

The LWRP coordinator found this to be inconsistent largely for the reason of building without a permit or adding on without a permit.

And the Conservation Advisory Council resolved to support this application.

Liz, is that the most recent -- I believe that is the most recent set of plans. Can you go back to the other one that you had up there, please. Thank you.

MS. CANTRELL: Dianne is actually doing the files today.

TRUSTEE KRUPSKI: Dianne, thank you. So after discussion with the applicant and her attorney Patricia Moore, it was determined we would reduce the size of the rear deck, and I just, I think we need some clarification from Ms. Moore as to the size, because it seems, is it going to be 10x20 remaining or 9x20? And that's where we are at after discussions at our work session and discussions with the applicant.

So is there anyone here that wishes to speak regarding this application?

MR. BELNIAK: We have a Mike Candan in the audience. Mike, I'm going to send a command to un-mute your mic, and when you do, the floor is yours. Also, Patricia Moore as well. So both you guys have an option to open your mic.

Mike, I see your mic is open as well as you, Patricia, so please continue.

MS. MOORE: I had the original, that the original existing deck is showing as 19x20.2. So, if we were to reduce it to what is legally under Coastal Erosion law allowing 10x20, we were prepared to reduce it down to 10x20. It's really up to the Board. I know that the Board allows that 200 -- Coastal Erosion law allows 200-square feet, and that's why we had just cut the deck in half. But the original deck is 19x20.2. 20.2 being the width and 19 being the length to the bulkhead. So we actually

should have said cut off 10x9, if we are left with 10x20.

TRUSTEE KRUPSKI: Not fully my understanding of this property. I'm not sure if Trustee Bredemeyer can speak to that or not. But I believe we have pictures of this. I'll let Trustee Bredemeyer comment on that.

TRUSTEE BREDEMEYER: Well, the deck add-on was essentially that, an additional nine or ten feet over what is now being offered to, that would otherwise be allowed as less than 200-square feet under Coastal Erosion.

My understanding also is that while the deck being proposed now by Ms. Moore would be compliant just less than 200-square feet, other construction on the house took place within the Coastal Erosion Hazard Area that would require a permit, required permissions, if you will, from Southold Town, but it reflects construction in an area that is not ordinarily permitted by the Board. So the matter with respect to the Coastal Erosion Hazard Area ordinance would, necessity, could not be approved by this Board, and if the applicant so chose would have to go on appeal to the Town Board. So it's, I think the Board in the discussions appreciates the fact that the sections of the deck that were added to during the term of the Coastal Erosion Act would be dialed back to less than 200-square feet, we also recognize there were other house additions made without the benefit of building permits and Trustee Wetland permits and Coastal Erosion permits.

MS. MOORE: If I could speak. In fact the house, if you see the cross-section there, the house is original. It has an overhang. That is the, and the decking that is below it. So it's an overhang and the decking. That's the original, pre-existing house that predates Coastal Erosion.

As I recall, the neighbors objected because the deck was extended out, and you see the extension, that is the old picture that was provided by one of the neighbors. The extension is the, again, it's a width of 20, that's the width of the house, by 20. So that is -- or am I doing the numbers -- no, I'm sorry. 20 by, yes. 20. I believe it's 20x19 is the deck that you see there in the pictures. That is what was built after Coastal Erosion law came into effect. So when we agreed that -- it's very important that my client be able to fix his house. That house, there is no doubt that that predates Coastal Erosion. You have surveys, you have pictures. And that is not in dispute. All we have been discussing, whether to allow the extension of the deck that was built after Coastal Erosion. The compromise we suggested was, okay, imagine that deck does not exist, what would be allowed today to build as a deck onto the house, to the original house, which is the original decking under the canopy second floor. We would be allowed to put a 200-square foot deck on to this existing house. So that is what we asked the Board to allow that.

So we have a lot going on here, there are repairs to the under, to the existing house of the foundation, and that has

been an ongoing request now for several years. He has to repair the house. The footings of the house were damaged during one of the storms and we have been asking to repair that. But because of this deck, it has been held up for a very long time.

So really the only request we are making, which is well within the 200-square foot non-Town Board, it doesn't require an appeal, that is what is permitted by this Board and it is considered to be not a major structure - a minor structure under Coastal Erosion. The deck could be reduced down and therefore bring it within the scope of a permissible Coastal Erosion permit.

TRUSTEE BREDEMEYER: So you are saying the second-floor addition on the seaward side was part of the original construction over the limited deck. Okay.

MS. MOORE: Absolutely. The entire house was a square. Our surveyor shows it as an "X" or, because it's a roofed over. That has been there for certainly before Coastal Erosion, and it shows up on the photographs and the plans when the bulkhead was first built. So as this picture shows you the, I think she -- it's stamped 2020, but I think it was 1980-something was when that deck was built, which is why it brings it under Coastal Erosion. But the house itself is the original house. You can see the houses all along, the neighboring houses, they were all built around the same time. The only thing they got was maybe re-siding and things like that so it looks nice and clean, but the structure itself is original.

TRUSTEE KRUPSKI: Yes, that was not my understanding of the application. Um, Trustee Bredemeyer, does that seem, it seems to make sense.

TRUSTEE BREDEMEYER: It would make sense. I'm just trying to recall, I'm looking for the photo. I'm actually going through the laserfiche files now. I believe the only other construction was landward of the Coastal Erosion line in front of the house that didn't have the building permits.

MS. MOORE: Yes, the front of the house, I think had a sanitary or something, a porch.

TRUSTEE BREDEMEYER: It was a porch enclosure. But that --

MS. MOORE: Exactly.

TRUSTEE KRUPSKI: I believe part of the problem is that over half the house falls within that line. So it's not just the deck. So regardless, you are asking us to permit in the house that you'd have to include that, I believe, going by Chapter 111.

MS. MOORE: Well, the house is pre-existing. It predates Coastal Erosion. And there is nothing in the Coastal Erosion law that prohibits repairing a pre-Coastal Erosion structure. It allows you to maintain it and even the code says expand it. We have not done that. He is trying to fix up the foundation under the existing house. I know you have been there, I know you have seen that. He got stopped after one of the storms that eroded out all the sand under the existing house, and the posts need to be re-enforced. That is when we started with the Building

Department. We asked the Building Department for a permit and it got down to you. We also originally applied to the Building Department for a pre-CO, and that is what, that was 15 years -- ten years ago. What prompted everything then was we asked for a pre-CO and the Building Department started looking and saying oh, you know, it looks like after '57, the front porch may have altered. So that was the one issue of getting building permits for the front porch. But it had nothing do -- it was an enclosure. I think it was a screened-in porch, but it was all roofed. It was windows and everything. And it got, you know, appropriate windows. But that was in, some time in the 70s, I think. Again, all pre-Trustees, pre-the Town's procedures. It just unfortunately still needed a building permit, because in the 70s you needed a building permit. So the repair, you know, I'm just trying to think of, it keeps getting bounced in and out of Coastal Erosion, because the house is existing and I don't need a Coastal Erosion permit for an existing structure. It was only a new structure, an addition to the structure, that would require a Coastal Erosion permit. And that is, again, you go back to the deck and whether or not the deck as it is today, is eligible for a Coastal Erosion permit without a full, without an appeal and so on. And that's the problem. The client just wants to move on. This has been a ten-year battle to try to get a pre-CO.

TRUSTEE KRUPSKI: Right. I'm going to ask for a little clarification from the Assistant Town Attorney on this. Just in regard to the CEHA line, where the house which was existing, where it exists. For lack of a better word.

MR. HAGAN: Well, you mean the house is essentially completely in the CEHA zone. It predominantly exists seaward of the Coastal Erosion Hazard line. The totality of the structure certainly is a nonconforming structure with regards to things today. You know, as far as the Board's determination with regard to this deck goes, that is really a decision for the Board to make. But we have seen photos of what was pre-existing prior to the Coastal Erosion Hazard Act and that side profile we have, those photos up on page 13 out of the file. And the remainder of this is a determination for the Board.

TRUSTEE KRUPSKI: Are there any other comments from anyone else in the audience?

TRUSTEE DOMINO: I have a question, Nick. I recollect from the previous meetings or work sessions that there was some concerns of the neighbors about the stairs, I believe on the eastern side. And have all those questions, I'm addressing my question to Pat, have all questions concerning those stairs been addressed?

MS. MOORE: Um, I believe so, because the stairs are just, I want to say the only stair that was an issue was a small, it was one that was slightly over the property line. But it's really steps. And it was, if I remember correctly, they are more railroad tie steps down. So that was a concern for the Yeuelly family (sic) because they didn't want an encroachment. But

those stairs for the most part are part of the repair to the property after the storm. So they would just be put properly within the property lines. That is not a problem.

The only other staircase is the one on the east which, if we modify the size of the deck, those stairs.

Mike, I'm trying to remember where they begin and end, because the drawing by the surveyor is a little confusing.

MR. CANDAN: They are the original. Those are the original, basically the original deck.

MS. MOORE: I see, there is a picture in your file, it might be from after the storm, because I see sandbags on the side. So it shows the staircase, it's the brown wood, the cedar wood that goes, the staircase ends on the seaward side. There they are. Okay. Exactly. That's the picture I'm looking at. So you can see the staircase starts and ends up at the very top that if we cut the deck back, that is not a problem. That is, the staircase is part of the overhang portion of the house. That's the original overhang. So the staircase is not a problem at all. I think the Yeuelly's were concerned about where the sandbags are is where there were some, no, just on the opposite side, where the bulkhead return runs, there are some steps down.

MR. CANDAN: It wasn't that. Actually it's further back.

MS. MOORE: Further back from where the sandbags are, then?

MR. CANDAN: Yes. So by the side of the house there is just some wood, I think my dad put some wood, almost like retainers. No, that's the left side.

MS. MOORE: No, that's the wrong -- no, that's the opposite side.

MR. CANDAN: They are looking at the house from the east and now you want to look toward the south.

TRUSTEE WILLIAMS: Can you bring up page eight.

MS. MOORE: Well that's, before you go, that's the picture of the staircase. You see where it ends at the, on the original overhang portion of the house.

TRUSTEE WILLIAMS: If you look here at page eight, I think one of the things that was addressed at a prior meeting was right here where these steps go over the property line. If you see, I drew that in blue. And I believe --

MS. MOORE: Oh, I see. Those steps, Mike, are those steps even there anymore?

MR. CANDAN: I can't see what we are talking about, I'm sorry. Oh, yes. Here we go. I'm trying to think where we are. Yes, that's the side of the house by the -- yes, that's what they were talking about. It's when you look between the houses, I have not touched anything. I can't touch anything. So we are more than happy to remove whatever we have to to get over the line. We talked about this before, I think. I said of course, we'll do whatever we have to to make it right. It's just that I can't touch anything now. So we are not touching.

TRUSTEE WILLIAMS: Nick, is that what you are asking about?

TRUSTEE DOMINO: That's what I was asking about.

TRUSTEE KRUPSKI: I believe that's what Mike was asking about.

MS. MOORE: Okay, I didn't know which stairs. Sorry about that. Then I was answering the wrong question.

MR. CANDAN: It's like six inches or something like that, at the most.

TRUSTEE DOMINO: As long as they are going to be removed, I don't have no problem with that.

MR. CANDAN: They are falling apart anyway. We'd be lucky to --

TRUSTEE DOMINO: Thank you, for the clarification

TRUSTEE KRUPSKI: Is there anyone else that wishes to speak or comment both from the public or the Board members?

MR. BELNIAK: No other hands are raised from the public at the moment.

TRUSTEE KRUPSKI: Thank you. Hearing none, I make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE KRUPSKI: I'll make a motion to approve the Wetland application providing the deck is reduced to 10x20 on the seaward side, and within the description it is changed, and I will read the sentence. Proposed work to existing to include replacing support footings of existing, strike 29.5'x19' deck and put in 10x19 foot deck and deck columns, with the stipulation that the stairs that are not on the applicant's property are removed, which will thereby bring this application into consistency with the LWRP coordinator.

TRUSTEE DOMINO: I'll second that.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Aye.

TRUSTEE KRUPSKI: And I make a motion to deny the Coastal Erosion permit.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: Point of discussion, if, I guess the deck as proposed is 200-square feet, is supposed to be less than 200-square feet, is that at issue?

TRUSTEE KRUPSKI: No, I mean, I still feel as we were discussing earlier and as we discussed with the Assistant Town attorney, I still feel the entire house is within the line regardless of when it was built, and they are adding a deck to that. Under chapter 111, I don't feel it's appropriate for this Board to pass that.

TRUSTEE BREDEMEYER: I understand your sentiments. I guess the

question I have for legal goes to some of my experience on the Board. I guess that my understanding is that you are allowed to maintain a pre-existing structure that predated Coastal, but I guess the point would be whether or not the structure needed to be permitted, to have a building permit prior. So I don't know if it's a legal question. In other words, without a building permit for some of the activities, the question is then, as you say Trustee Krupski, that then it is a question that you may not necessarily be able to continue to maintain the structure if it didn't have a prior building permit. I don't know. That's why --

MR. HAGAN: So then my question then becomes is we just approved a Wetland application with regard to the size of this deck where you amended the application to include part of the deck, correct?

TRUSTEE KRUPSKI: That's correct.

MR. HAGAN: Okay. So then after approving your Wetlands application you want to deny the application because you are saying the size of the house that it falls in would fall under Coastal Erosion to be included and the deck together would then be too big. Is that your position?

TRUSTEE KRUPSKI: That is my position. Under 275 it would be an allowable activity. Under Chapter 111, it would not, is my understanding.

MR. HAGAN: But the structure itself predates the Coastal Erosion Hazard Act, so the house would not be applicable to that. So the question becomes deck size. If the deck is less than 200-square feet, then Coastal Erosion would not apply to the deck. So the amended size of the deck would fall below that threshold.

TRUSTEE KRUPSKI: So is it your legal opinion if the house predates, regardless of it being fully within the line, that we are just discussing the deck, as Patricia Moore suggested?

MR. HAGAN: Yes. We are discussing the size of the deck. That is -- the house predates Coastal Erosion. We know it predates Coastal Erosion.

TRUSTEE KRUPSKI: That's the exact information I asked for earlier and did not receive. Literally. That's literally the exact information I was looking for. I withdraw my motion.

All right, my new motion is I make a motion to approve the Coastal Erosion permit, Chapter 111, with the stipulation that the deck is reduced to 10x20, and within the description of proposed work to existing, to include replacing support footings to existing 10x20 foot deck and deck columns, striking 29.5x19, and the stipulation that the stairs are removed from the neighboring property line. That is my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE GOLDSMITH: All in favor?
Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

Number four, En-Consultants on behalf of **JOHN P. & KIMBERLY G. KEISERMAN** requests a Wetland Permit and a Coastal Erosion Permit to install new vinyl sheathing on landward side of approximately 131 linear feet of existing timber bulkhead; partially remove and replace (in-kind/in-place), as needed existing 12'x17' grade level wood deck; and revegetate disturbed area behind bulkhead as needed with Cape American beach grass. Located: 1170 Willow Terrace Lane, Orient. SCTM# 1000-26-2-23

On March 11th, 2020, the Trustees visited site and noted the proposal to be straightforward.

The Conservation Advisory Council did not review the permit.

The LWRP found the proposed action to be both consistent and inconsistent. The inconsistency being there is no record of the deck receiving a permit in Town records.

Just a side note, the inconsistency has been addressed, there was a permit, Permit #9627 issued January 15th, 2020, for the deck.

Is there anybody here that wishes to speak to this application?

MR. BELNIAK: Yes, a member of the audience. Rob Herrmann.

MR. HERRMANN: Sounds good. Thank you. Can you hear me? (Affirmative response).

Okay, guys, I'll be really short. I don't have anything to add to that description. It's very basic landward re-sheath of existing bulkhead, the property that you all had inspected and issued prior to approvals for in January of this year.

So if you don't have any questions of me, I don't have anything to add.

TRUSTEE WILLIAMS: Thank you. Any questions from any of the other Trustees?

(Negative response).

Anybody else here that wishes to speak to this application?

(Negative response).

TRUSTEE WILLIAMS: I would like to make a motion to close the public hearing.

TRUSTEE GOLDSMITH: Second. All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

I'll make a motion to approve both the Wetland and Coastal Erosion permits as written.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

WETLAND PERMITS:

TRUSTEE GOLDSMITH: Under Wetland Permits, number one, Costello

Marine Contracting Corp. on behalf of **HANA SHAW REVOCABLE LIVING TRUST** requests a Wetland Permit to remove existing stairway to water on face of bulkhead, remove 104' of existing bulkhead, construct 104' of new vinyl bulkhead in-place; fill void areas landward of new bulkhead with clean trucked in sand (approximately 40 cubic yards), and reinstall existing 3' wide CCA treated lumber stairway to water.

Located: 890 Koke Drive, Southold. SCTM# 1000-87-5-8

The LWRP found this to be inconsistent and consistent. The inconsistency was according to Town records, the existing stair is an unpermitted structure.

The Conservation Advisory Council resolved to support this application.

The Trustees conducted field inspections on February 5th, and most recently on March 11th. On the original one, was missing a ten-foot non-turf buffer on subsequent plans, and the plans we do have a ten-foot non-turf buffer.

Is there anyone here that wishes to speak to this application?
MR. BELNIAK: As of now there are no hands raised. We'll give it a second in case someone is trying to find that button.

I don't see any.

TRUSTEE GOLDSMITH: Any questions or comments from the Board?
(Negative response).

TRUSTEE GOLDSMITH: Hearing none, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: I make a motion to approve this application as submitted, thereby granting the permit for the stairs will bring it into consistency with the LWRP.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE DOMINO: Under Wetland permits, number 2, En-Consultants on behalf of **MICHAEL & SUSAN CAVOUNIS** requests a Wetland Permit to construct approximately 151 linear feet of vinyl bulkhead in place of existing timber bulkhead; remove and replace in-place ±22' northerly timber bulkhead return with vinyl return; backfill with approximately 25 cubic yards of clean sandy fill to be trucked in from an approved upland source; remove existing dock structure consisting of a 7'x8' deck, 7'x17' fixed walkway,

4'x16' ramp, and 8'x12' floating dock, and construct in the same location a new dock (to be connected to water and electricity), consisting of a 4'x39' fixed timber catwalk constructed with open-grade decking and rope handrail; 3'x14' hinged ramp, and 6'x20' floating dock situated in an "I" configuration and secured by two (2) 10" diameter pilings; construct a 10'x15' grade-level, untreated wood deck landward of dock and bulkhead; and to establish and perpetually maintain a 10' wide non-turf buffer along the landward edge of the bulkhead.

Located: 3475 Wells Road, Peconic. SCTM# 1000-86-2-9

The Trustees did a field inspection on March 11th, at 11:45 in the morning. The notes read that there was adequate water for the float and that the application is straightforward.

The LWRP coordinator found this to be inconsistent and exempt.

According to the LWRP coordinator, the bulkhead is exempt from review. The inconsistency arises from his concern whether the dock, the approval of a replacement dock will in fact constitute further encroachment on the sensitive Richmond Creek and resulting in degradation of water quality.

The Conservation Advisory Council did not inspect and therefore there was no recommendation.

Is there anyone who wishes to speak to this application?

MR. BELNIAK: There is a hand raised. I'll bring that person up. Rob Herrmann, again. You should have a command to open the mic and the floor is yours.

MR. HERRMANN: Thank you, Alan. In way of a brief summation of this application, you may recall I met with the Board here during field inspections on March 11th, which feels like a lifetime ago at this point. There are two components to the application. One is the replacement of the bulkhead on the property which was a previously Trustee-permitted structure.

The only change is that in order to straighten out a small inconsistency at the southern end of the property, we are proposing to tie the new vinyl bulkhead straight across into the neighboring return to the south, which is owned by Robert Serling. And you should have the proposed dock replacement. Again, this is the previously permitted Trustee dock. But the way it is configured, it doesn't reach sufficient navigable water depth. And the extension of the dock will allow to achieve that water depth of 30 inches and remain consistent with the seaward extent of the Serling dock to the south. And there is the ten-foot non-turf buffer also included in the application.

So that is about the extent of what I have to add. If you have any questions, I'll leave my mic on until you are done. TRUSTEE DOMINO: It's worth noting that our notes didn't, on March 11th, didn't say this would give you adequate water depth for the float. And that the notes were acknowledged and signed by Mr. Herrmann at the time, so.

Is there anyone else wish to speak to this application? Any further questions or comments from the Board?

(Negative response).

TRUSTEE DOMINO: Hearing none, I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE DOMINO: And I make a motion to approve this application as submitted, noting that the slight extension to reach deeper water will not have a deleterious effect upon the environment.

So I move to approve this as submitted.

TRUSTEE GOLDSMITH: Second.

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE BREDEMEYER: The next application, number three, Patricia Moore, Esq. on behalf of **THEODORA MARANGAS, THERESA MARANGAS, EILEEN RAYESKI, CATHERINE WILINSKI & ALICE DONLAN** requests a Wetland Permit for the removal of the existing shared dock and to construct a proposed 4'x82' fixed dock using Thru-Flow decking installed 3' above grade with a 3'x15' ramp to a 6'x20' floating dock situated in an "L" configuration; and to establish and perpetually maintain a 12' wide non-turf buffer along the landward edge of the bulkhead.

Located: 1685 Westview Drive, Mattituck. SCTM# 1000-107-7-8

This application -- I should say the Trustees visited this site on February 5th and March 11th, and also viewed the file and aerials at work session on August 17th to determine that the dock did not go further seaward than the existing pier line.

This project has been deemed to be consistent under the Town's Local Waterfront Revitalization Program.

And the Conservation Advisory Council has voted to support this project.

The Board, during the course of the two field inspections, was predominantly concerned with broken up old catwalk sections which had degraded and breaking up pieces of Styrofoam next to the bulkhead. Otherwise the Board felt it was straightforward and, pending staking, we performed the review of Google maps and aerial maps that the project plan will honor the pier line as previously mentioned.

Is there anyone here wishing to speak to this application?

MR. BELNIAK: Yes. We have Patricia Moore again. So, Patricia, you should have an open mic command sent to you.

MS. MOORE: Okay, this is, as you recall, this is a re-do. My clients had gotten permission for this same dock three, well

three, four years ago. It started out where there was a shared dock between the neighbor to the south and this property, but the neighbor to the south wanted to remove the shared dock and they built a new dock, that required my clients to then build this or build the proposed dock.

The permits were issued, but it expired. They were not able to build it in the time permitting. So we had to re-apply. And this is a re-do of a previously-approved permit. You can see this was all done in 2016 and it, the extensions ran out, and they needed to come back and pay again and do this again. That's all.

TRUSTEE BREDEMEYER: Thank you. Is there anyone else who wishes to speak to this application? Trustees, any questions?

Go ahead. Trustee Domino?

TRUSTEE DOMINO: I was just hoping that we can clean this up as quickly as possible because as the floats deteriorate, the Styrofoam and so forth, is entering the creek. That was a concern of mine at the time we did the field inspection. It's been a while. I would like to see it cleaned up.

TRUSTEE BREDEMEYER: Thank you. Any other questions or concerns? (Negative response).

Not hearing any, I make a motion to close the hearing in this matter.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE BREDEMEYER: I make a motion to approve this application based on the plan view drawing of Robert Fox licensed surveyor, submitted and stamped into the Trustee office on January 7th, 2020. That's my motion.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE KRUPSKI: Number four, Patricia Moore, Esq. on behalf of JOHN & ELIZABETH SCHROEDER requests a Wetland Permit for a proposed 20'x40' in-ground swimming pool with a 46.7'x59.9' surrounding on-grade patio (2,021sq.ft.); install retaining walls 48" in height, in-ground on north side and above ground on south side, as required to level existing grade for the proposed pool and patio.

Located: 3325 Wickham Avenue, Mattituck. SCTM# 1000-114-4-1.1

The Trustees most recently visited the property and had

noted that would like to see some sort of a delineation marker for the non-disturbance. Prior to that, the Trustees had visited the property and noted that there was some issues with the non-disturbance in terms of some clearing that had gone on within there, which was the reason for that requested delineator.

The Conservation Advisory Council resolved to support this application.

The LWRP coordinator found this to be inconsistent. The inconsistency stems from that same buffer. At the time, the plans did not include it. I since see that the plans do include it. But it was also in 2001, it was noted that there was supposed to be a re-vegetation within that buffer. And let me just pull that up quickly.

The Board at the time required re-vegetation of a 50-foot wide non-disturbance buffer with Northern Bayberry and Switchgrass. The buffer did not appear to be in place. In certain areas there is turf located.

So that I believe is our main issue at this time. There is a drywell installed which I know, a drywell on the plans now, which I know was a problem originally.

Okay, is there anyone here wishing to speak regarding this application?

MR. BELNIAK: Pat, once again, the floor is yours, if you would open your mic.

MS. MOORE: Yes. Um, I believe that some of the non-disturbance issues were prior owners. When my client became the owner and we went in for an application for the pool, that is when we learned of some of the non-disturbance issues that were, some of the older issues. That's why the plan now includes the 50 foot non-disturbance buffer. Delineating the buffer, maybe some vegetation would work? I mean I think that the suggestion of planting some Bayberry or Rosa rugosa or some form of vegetation might be a nice, both an esthetic as well as delineating the non-disturbance so that the lawnmowers and groundskeeping stays away from that area and it regenerates to the extent it will naturally.

TRUSTEE WILLIAMS: On the site visit, I saw what appeared to be very fresh chain saw tailings from trees removed in that pool area and the non-disturbance area, which are all within the hundred-foot jurisdiction. And I just found that very upsetting. Some sort of, what would please me, would be to see something very difficult to hop over or go through or navigate through with a lawnmower to delineate that non-disturbance area from the rest of the yard.

MS. MOORE: Well, I don't think people, I mean to me fences are somewhat, there will be a fence for the pool. But as far as placing something more aggressive along the 50-foot line, you have a waterfront piece of property. You don't want to block the view. So that's why, to me, at least the natural vegetation is more, it's a softer approach. I don't know if my client is Zoomed in or not on this one. Anybody out there?

MR. BELNIAK: We have John Schroeder

MS. MOORE: Perfect. Good.

MR. BELNIAK: Is one of your clients named Jason?

MS. MOORE: Yes, Jason is also part of the team and John is the property owner.

MR. BELNIAK: So, Jason and John, both your mics are now open. Thanks, for joining us.

MR. PETERS: Jason Peters, owner of North Fork Pool Care.

I think Bayberries or something along those lines, I know you guys want something more substantial than that. I would propose something along the lines of untreated timber, whether it's 8x8 or thereabouts, something to your point of cannot be hopped with a lawnmower. Something that is lower lying but definitive. A definitive line. And I think as we get over to the tree line we might be able to run that timber line down toward the water so someone can't get in the grass line. I think in the tree area, as you can see via the picture right now, there is nothing to be mowed. We could delineate a line of non-cutting at that point by putting timber or something along those lines within the tree roots, they will heave and move over time. The grass that we provided, we'll replant that non-turf buffer. Or the non-disturbance buffer, excuse me. We could protect that area with some sort of timber, something that fits the softness of the property but it's not too obtrusive.

TRUSTEE KRUPSKI: Are you talking about something along the lines of railroad ties, but obviously non-treated, just more lying, sort of lying along the ground so a mower couldn't jump it?

MR. PETERS: Yes. Obviously we could affix that with something of your choosing, whether they are wood stakes or otherwise to keep them affixed so if the tide were to come up they would not be able to float free and enter the canal way. I'm happy to do that as well, so they cannot be moved freely, two men couldn't pick them up and move it. But affix them into the ground.

TRUSTEE KRUPSKI: Does the rest of the Board have any comments in terms of the delineator? Is that something --

TRUSTEE BREDEMEYER: That's pretty standard of what we have been asking, I think. My own personal experience on a waterfront lot, that you can pin them with rebar, and the rust encapsulates the soils and it locks it in pretty good.

MR. PETERS: Pretty doable. Not a problem

TRUSTEE KRUPSKI: Is that something we want to put some sort of height requirement on, whether it's eight inches or something along those lines?

Would eight inches work for you? For starters?

MR. PETERS: Sorry, are you speaking with me or the Board?

TRUSTEE KRUPSKI: Yes. Eight inches, is that something you were talking about, I believe, what you said earlier?

MR. PETERS: Yes. Depending on the timbers that we use, if we do a single or double stack, whatever the height requirement would be, I would source the wood in that height. Whether it be 4x6, 4x4, obviously you want to not remove, but have to cut down to

get to soil. We would not want any grass or something that could be composed underneath it. We would have to cut that line, remove it of any grasses, set that on soil, and to your point, yes, we can absolutely open up a hole and rebar them down into place. We can do four-foot sections of rebar directly down to the dirt to give it a very strong footing, cap it, and we if we need to fix more than one, we could use timber tacks, if you guys prefer non-epoxy tips, we could do hot-tipped galvanized. Whatever you prefer.

TRUSTEE KRUPSKI: And then in terms of the LWRP coordinator's concerns with the re-vegetation of the area, do we want to see some planting within that area of appropriate grasses?

MR. PETERS: That was indeed proposed as well. I believe it was proposed -- I'm looking through my material now to see if I could find it.

That was proposed. It was beach grass. One foot on center and to be replaced with bank run. If we can leave the grass, we would prefer to do that and plant within, but if we do need to cut that grass out, we can also do that.

TRUSTEE KRUPSKI: I think we would rather see it just, I don't want to speak for the whole Board, but I would rather see it left and then planted, rather than disturb it.

MR. PETERS: We would prefer that as well

TRUSTEE KRUPSKI: Does the rest of the Board agree with that sentiment?

(Affirmative response).

MR. PETERS: Now, would it be possible to have an access way, whatever width by length, if they can get down to the bank in some area in this non-disturbance that we could use sand or something of your liking to make an access way for them to get down to the bank?

TRUSTEE KRUPSKI: I believe we can do a four-foot access through the buffer.

TRUSTEE DOMINO: Perhaps with something more substantial than sand, which if the tide did come up, would wash away.

MR. PETERS: Gravel or rock, your choosing, whether bluestone or otherwise. Would that be suitable?

TRUSTEE WILLIAMS: With something pervious, stepping stone pathway, something of that nature?

MR. PETERS: Perfect. Okay.

TRUSTEE WILLIAMS: I don't know about anybody else, but I would like to see that delineated on the plan so we know where it's going and it's not going to cut down any trees to put it in.

MR. PETERS: No, no. No trees are to be touched. Off the back of the pool area, I am happy to amend that to show you guys where that would be per your approval.

TRUSTEE KRUPSKI: Is that something the rest of the Board would like to see new plans on?

I believe at that point it would just be the walkway that we would, because obviously the wall would be a delineation. I'm sorry, the delineation would be a stipulation. Do you want

to see plans on the walkway beforehand?

TRUSTEE GOLDSMITH: I don't think it's material to delay him further. We have been here since March.

TRUSTEE KRUPSKI: For a walkway.

TRUSTEE GOLDSMITH: For a four-foot path that they have a right to anyway.

MR. PETERS: I could amend it and give it to you review as an amendment, if it doesn't hinder us proceeding in getting a permit, upon your review.

TRUSTEE DOMINO: It's not an issue for me as long as we are not cutting any trees.

MR. PETERS: Could we stipulate that?

TRUSTEE KRUPSKI: I would like to stipulate it, personally, because it is a minor thing. And just to clean it up afterwards, come back and showing a path. But I would like to stipulate it and move forward with this application, just requiring it doesn't knock down any additional vegetation. Unless anyone has a major issue with that.

(Negative response).

Any other questions from the public and/or the Board?

(Negative response).

MR. BELNIAK: No other hands raised in the public, other than the three who spoke already.

TRUSTEE KRUPSKI: Okay. Hearing no further comments, I make a motion could close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE KRUPSKI: I would make a motion to approve this application with the stipulation that a non-treated wall at an eight-inch minimum is installed as a delineation along the 50-foot non-turf buffer, and that the area is revegetated one foot on center with beach grass, without disturbing the surrounding ground.

TRUSTEE GOLDSMITH: Just one point, Nick. Non-disturbance buffer, not non-turf.

TRUSTEE KRUPSKI: Thank you, very much. I'll reread that.

Stipulate that a non-treated wall is installed as a delineator along the 50-foot non-disturbance buffer at an eight-inch minimum, and that the area is revegetated one-foot on center with beach grass without disturbing the ground around it. And that a four-foot wide path is allowable to access the creek without destroying any vegetation and to bring in just new plans depicting that path. That is my motion. Thereby bringing this into consistency with the LWRP coordinator.

TRUSTEE WILLIAMS: I'll second that.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

Number five, Patricia Moore, Esq. on behalf of **WILLIAM MURPHY & KIMBERLY REECE** requests a Wetland Permit for the existing wood dock consisting of a 4'x16' fixed wood dock, a 3'x14' removable wood ramp; a 6'x20' floating dock and a 6'x9' floating dock situated in an "L" configuration; and for the existing wood pedestrian bridge consisting of a 4'x15' wood ramp to a 4'x33' bridge to a 4'x8' ramp to cross Wunneweta Pond on applicant's parcel.

Located: 1652 Bridge Lane, Cutchogue. SCTM# 1000-118-1-4.1

The Trustees visited this site on March 11th, 2020, with noting the dock and bridge look straightforward. Need to establish a non-turf and non-disturbance area for the plan. And need to discuss at work session.

The LWRP coordinator found this to be both consistent and inconsistent. The inconsistency is Town records indicate the structures were constructed without Southold Board of Trustee review for issuance of a wetland permit. The as-built wood bridge impedes public access to public waters. And also noting in the event that the action is approved, it is recommended the Board require a vegetated non-turf buffer integrating existing vegetation landward of the wetland to preserve water quality.

The Conservation Advisory Council did not have the opportunity to review this application.

Is there anybody here that wishes to speak to this application?

MR. BELNIAK: Yes. We've got Patricia Moore and we'll keep her mic open because she has other issues coming up as well. So, Patricia, your mic is open.

MS. MOORE: Thank you, very much. Yes, as you recall, this property, as you pointed out, the dock and the bridge are straightforward. These are structures that have been on the property predating the Trustees, as many of the structures in Nassau Point area have that history.

As you recall, the area surrounding the wetlands are natural already. The property is not heavily manicured. There is a lot of, it's a natural, vegetated buffer surrounds pretty much every area here of the wetlands, or adjacent to the wetlands. There had been an application for a significant pool addition in the front yard and that incorporated a very extensive landscaping plan. But that project was never built out. So at this point we are asking for the permits for the wetlands, for the dock and the bridge. Since they predate the Trustees, they didn't have the benefit of an existing permit.

The property is for sale and certainly people who were looking at this property are looking for permits for existing

structures. And that is why the application was submitted.

I would be happy to discuss anything you want to discuss, but it's pretty straightforward. And as I said, the property is very natural. Very green right now, the last time I was there. And I would imagine that if any project down the line comes in by future owners, then you can address whatever needs there are based on whatever new project, whatever additions, might be proposed in the future.

TRUSTEE WILLIAMS: It's my understanding that prior there was a permit issued for some, you know, for several different pieces, and some of the work did get completed, but not all of the work got completed.

MS. MOORE: No, any work that was done to the house was done, was the type of work that does not require a Trustees permit.

Siding, windows, or whatever. I know my client is on Zoom here and he can address whatever was done. But certainly there was nothing here that would have necessitated the Trustees review. Of the project that I'm talking about, there is very, it was going to be a large addition. That was not built. And a very, it was a beautiful pool, and patio area with the extensive landscaping that was proposed around it. That was the project that the Board reviewed, and none of that was built out.

In 2013 was the permit for the addition and for the pool. So you can see that there is the addition was never built. It was a second-story addition.

TRUSTEE KRUPSKI: I mean -- Greg, do you mind if I speak?

TRUSTEE WILLIAMS: Please.

TRUSTEE KRUPSKI: I mean, this is a pretty sensitive area. Um, whether or not the pool was built, I would expect the Trustees at the time were trying to protect what is there moving forward. So now that we find ourselves back here again, I'm not sure why we wouldn't uphold what the prior Board wanted. Because frankly, they were in the right in doing that.

MS. MOORE: Well, because the only permits that I need are for the dock and the bridge. Which are pre-existing structures. The house had the benefit of whatever permits were required at that time. There is no activity around the house that would necessitate any protection of, you know, wetland protection. So that's why I don't think this is the last time you'll see this property. If some time in the future somebody comes in and says, well, I would like to put a pool in or I would like to build X, Y and Z, you can address whatever protective measures you feel are appropriate at that time. But what we are doing here is really getting permits for structures that are not impacting any of the vegetation. They are existing, well, typical marine structures.

TRUSTEE KRUPSKI: With all due respect, a dock, you are absolutely right, a dock certainly is a typical marine structure and something we see all the time. But you are also asking us to permit in a 33-plus foot bridge. Which I would not necessarily call a typical marine structure.

MS. MOORE: I'm sorry, that's existing. That was also built around the same time prior to Trustees. So, I mean I would just point out, you see that bridge, it actually connects the waterfront. This property also owns the parcel across the across the bridge that is the bay front piece. So this parcel is a significant, oh, how many acres is this, if I'm reading it correctly. I'm looking for the acreage. It consists of, on the survey shows parcel one and parcel two. So you can see that the connection, that bridge is the connecting piece to give access to the front between parcel one the house and parcel two. So, logically, I think that was built so many years ago because it is all one piece of property. It's a beautiful property, no doubt.

TRUSTEE GOLDSMITH: One question here. So with the dock and the bridge, currently you are not proposing any sort of buffer; is that correct?

MS. MOORE: No additional buffer because it's already in place.

TRUSTEE GOLDSMITH: On this map, is there a buffer that I'm not seeing?

MS. MOORE: No, no. Not on the survey. I'm saying the existing conditions already have a natural buffer.

TRUSTEE GOLDSMITH: I think the issue with us is we want to kind of capture that buffer. It's natural now but what happens in the future if somebody decides to go cut that down. So if we can condition it now and get that on the survey for any future alterations to the property, it's already protected.

TRUSTEE WILLIAMS: I agree with Glenn on that. I think we would need to see some sort of -- I shouldn't say we. I would feel comfortable seeing a buffer delineated on the plans. I understand, again, there was a proposed action, and I don't know that any of it or none of it was carried through at that time back when that permit was applied for. There was never a final done. But it is a very environmentally sensitive piece of property that we have a responsibility to make sure we protect.

MS. MOORE: Well, if I may suggest something, if we impose a ten foot buffer that surrounds all the delineated wetlands here. I would like to move this project along because the property has been waiting to go to contract because nobody wants to commit unless we knew that the docks and the bridge were permitted.

So I don't want to delay it, if at all possible. I have already -- I anticipated that if a buffer was necessary, that that would be a reasonable buffer would be required. And I don't think that is, necessarily is a problem here. I just would rather not have to wait another month to draw it in, and I don't know how quickly Nate Corwin could provide it on the survey, but I think if the condition of the permit is maintaining a ten foot buffer along the landward edge of any wetlands --

TRUSTEE DOMINO: What sort of a buffer are you proposing?

MS. MOORE: Pardon me?

TRUSTEE DOMINO: What type of a buffer are you proposing? Non-disturbance?

MS. MOORE: I think right now, I don't know that it was a non-disturbance. I think it was a vegetated buffer. It's now a vegetated buffer. I don't want to preclude somebody from adding vegetation, if that is something that they desire. It's always nice to plant additional--

TRUSTEE WILLIAMS: Historically, the Board has allowed plantings in non-disturbance areas.

MS. MOORE: I've gotten clients out of violations because it's very difficult to plant in the middle of a weeded non-disturbance area. So a vegetated buffer, or at least a non-turf buffer, assures no grass is going to seep into the wetlands area. But --

TRUSTEE WILLIAMS: Again, when I say that, I mean with permission and a planting plan.

MS. MOORE: Exactly. Well, that's a permit. So you can't cut without a permit anyway. So existing conditions, if somebody were to take out the trees and the vegetation, we would be at the same spot. That's why I think if anybody wants to do anything here, they have to come in for a permit anyway, so.

TRUSTEE KRUPSKI: I think my problem here, without seeing it on the plan, and I'm not saying it's not possible, but I'm not sure where exactly you would put that ten-foot line, looking at this plan.

MS. MOORE: Well, the wetland surrounds Wunneweta Pond, and then Nate doesn't provide too much of anything there. I have from the 2013, he gave a little bit of a better depiction. It's just that 2013 plan was extensive and it also included a tremendous amount of vegetation or planting. And none of that is being proposed. So I'm trying to come up with something that would work here but I don't want to hamper and delay the property over these what are really non-controversial marine structures here. I mean we could even do it as a covenant so that a new buyer would know that in fact there is a non-turf buffer adjacent to the wetlands. And anywhere there is wetlands, you, you know, don't put the lawn. Don't add lawn.

TRUSTEE KRUPSKI: I think my only issue, and I'm trying to pull up, it's on my phone so I could zoom in a little closer. But there is the portion, I guess you can say the bay side of the house.

MS. MOORE: Bay side of the house, okay.

TRUSTEE KRUPSKI: It seems there is some sort of, I don't know if it's a tree line there. I can't quite read right by where the mouse is.

TRUSTEE WILLIAMS: I think we can zoom in a little bit.

TRUSTEE KRUPSKI: Yes. Dianne can you just zoom in right where you have the mouse, what does that say there?

MS. MOORE: I have a larger print. It says landward edge of wetlands as flagged by En-Consultants on, well that is 1998 is my print. Yes, '98.

TRUSTEE KRUPSKI: Right.

TRUSTEE DOMINO: Nick, can I interject something?

TRUSTEE KRUPSKI: Please.

TRUSTEE DOMINO: We are trying to scan something from April 23rd, 2014, an approval, a resolution by the Trustees concerning a buffer and some vegetation. As soon as we have that, it will be, everybody will be able to review it. And it's pertinent to this discussion.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE BREDEMEYER: I don't know if we have a current survey but the, I'm looking at the datum on the licensed survey and it indicates that the added wetland line was flagged in 1998. That's a July 15th, 2010 updated survey. I don't know if that reflects the wetland or not or is that just updating other features. So if it was a wetland line, it was flagged in 1998. Unless we have verification it was updated recently, that's a very old wetland line.

MS. MOORE: Was what the Board based their 2013 or 2012 approval for the pool and the house?

That area of the pond is pretty stable. There has not been, from your own inspections --

TRUSTEE BREDEMEYER: Admittedly so. But it's a lot different looking at a generalized wetland line from a survey for the construction of house appurtenances actually setting aside permanent protection.

TRUSTEE DOMINO: Gentleman, can you see the correspondence from Mr. Herrmann?

TRUSTEE WILLIAMS: Yes.

TRUSTEE DOMINO: Rather to Mr. Herrmann.

MS. MOORE: Do you have a plan that goes with that? Because part of it is non-disturbance and the other part is non-turf.

MS. CANTRELL: If you give me a couple of minutes to print it up, I can. If everybody is okay, I'm just going to step out here so I can do all that.

MR. BELNIAK: If you would like to comment and you are dialing in, again, *9 lets you raise your hand and that's how we will call you in for commentary. Thank you.

MS. CANTRELL: Can everybody see the map?
(Affirmative response).

MS. CANTRELL: This is the map that coincides with that approval.

TRUSTEE KRUPSKI: Can we zoom in on that a little bit?

TRUSTEE WILLIAMS: Maybe out one.

MS. MOORE: That's the plan I was talking about in 2013, but it was associated with a significant expansion and development of the property, so.

TRUSTEE KRUPSKI: What is the hatched marks, the little bit darker section?

MS. MOORE: That's non-turf, right? That's the non-turf area, I think.

TRUSTEE KRUPSKI: And then the lines are non-disturbance?

MS. MOORE: I believe that's what I have. Yes.

TRUSTEE KRUPSKI: Do we have any sort of scaling on the size of that?

TRUSTEE WILLIAMS: It's a non-disturbance buffer.

MS. MOORE: It's by square footage. It seems really large, excessive. Which I understand, given the house addition and the pool, is a significant area of impervious surfaces that was being proposed.

TRUSTEE GOLDSMITH: My only question on this, if you look at the old survey here, the wetland line goes kind of off the screen, but the most recent one doesn't show that.

MS. MOORE: Yes. I'm surprised. I know what you are saying, where the little peninsula appears to be. Yes.

TRUSTEE GOLDSMITH: Yes. I don't know if I'm necessarily comfortable without having an updated survey that shows the current wetland line and then we can discuss making the lawn non-disturbance off of the established wetland line. But without that on the current survey, I don't see how we can do it.

TRUSTEE WILLIAMS: I agree with Glenn that I think we would need to see an updated survey and a flagged wetland line field, and see if you can get that done possibly by our next field inspection, we could revisit the site.

MS. MOORE: Is there any way of proceeding with the two structures and then coming back with amendment for the non -- a more specific non-turf buffer area? That way I can at least know I've got the permits for the two existing structures. That has been holding up my ability to go to contract.

TRUSTEE WILLIAMS: I don't see a way around that.

Damon, can you --

TRUSTEE KRUPSKI: I don't see how we could do that.

MR. HAGAN: I'm sorry. My mute button was not un-muting.

So the plans should have the totality of the project on there, including any conditions that were set forth for the property previously. Because you have non-turf buffers, non-disturbance buffers that are supposed to be listed therein. And the Board in evaluating the latest application should be seeing those buffers as well so they can compare and contrast to make sure there is no material changes that have been made, especially in their field inspections.

MS. MOORE: Can you tell if that survey had an updated wetlands flagging? Because that might have been done, but I can't see from my prints. It doesn't show here anywhere that this plan -- do you see any notes of when this wetland flagging was done? Maybe that was an updated version.

TRUSTEE WILLIAMS: In the corner I see the latest update being July 15, 2010, update survey.

MS. MOORE: Okay, there we go. Because we had 1998, and that's surprising how that was wrong. Okay, so 2010.

MS. CANTRELL: Are you able to see that? That circle?

MS. MOORE: It's blurry, but I'm sure you can read it. Does it say 2010?

TRUSTEE WILLIAMS: I'm looking at the survey that you submitted.

MS. MOORE: Good. Well, you've got a better print than I have.

TRUSTEE BREDEMEYER: It does indicate specifically flagging

March. Is that March, 2010?

MS. MOORE: Mine is too blurry.

TRUSTEE BREDEMEYER: Mine is too blurry to see.

MS. MOORE: It was all occurring in 2013, so it's possible it was within that timeframe.

MS. CANTRELL: I'll see with a magnifying glass on the hard copy. Hold on.

TRUSTEE DOMINO: Mine reads: Site plan based on survey dated April 13th, 2011, by Nathan Taft Corwin.

MS. MOORE: 2011. Okay.

TRUSTEE WILLIAMS: Moving forward, Pat, what would you like to do?

MS. MOORE: You tell me. What are my options here? I would like to move forward but I don't know, Mr. Murphy, are you out there somewhere that I could rely on --

MR. BELNIAK: We do have a Bill Murphy with a hand raised.

Mr. Murphy, you should be able to open your mic.

There you go.

MR. MURPHY: Thank you, very much. Appreciate the consideration of our application for the existing dock and bridge.

Pat, correct me if I'm wrong, but I believe, so we did have, when we were doing the work back in 2010, contemplated work, we did have everything reflagged and re-surveyed at that point in time. And we also then resubmitted an updated survey from Mr. Corwin showing non-disturbance and non-turf buffer areas.

So I believe those were submitted as part of the file, and there was a discussion back and forth in that regard. And we actually, there was, you know, some clarification around which were non-turf, non-disturbance, and we resubmitted a survey of Mr. Corwin's with those indicated.

MS. MOORE: I had 2019. March 9th, 2019, buffer and additional structure dimensions. That was provided and should have been made part of your file. I know, you know, unfortunately with COVID I can't tell you what you receive versus what you didn't receive. But are you sure you don't have, Liz, in your file, a 2019 survey?

There is a survey that has several dates. The last one being March 9th, 2019.

Are you out there? All right, my screen went black, so I didn't know.

MR. MURPHY: This is Bill Murphy, again. With regard to that most recent survey and depiction of the non-turf, non-disturbance, if it's workable for the Board of Trustees, we are fine with, certainly I only have responsibility for the property as long as I own it, but am certainly happy to abide by maintaining that non-turf and non-disturbance, and I think as any Trustee that visited the property saw, effectively, it's in place today. And that's the way it's maintained anyway. It's not heavily turfed, so.

MS. CANTRELL: Unfortunately, to date, this is the only survey that we have.

MS. MOORE: No, you have a later survey. It was dated 2019. That's why I'm surprised you're not seeing it in your file. Did you find it?

MS. CANTRELL: I'm looking in your file. If you want to just hold on a minute.

TRUSTEE GOLDSMITH: So Damon, just as a question here, if he's okay going off the buffers of that previous permit and survey, would we be able to approve this based on using that old survey for the buffers?

MR. HAGAN: My question then would be is it a matter that, are all those structures that are being applied for herein listed in the same shape and dimensions on the old survey you want to review, as opposed to the survey that was supplied with this initial application. If everything is matching, if everything is exactly the same and there has been no changes with regard to location, size and scope of those structures, then essentially you want to approve the same application with the same project description, but you are going to reference a different plan. Is that what we are asking here?

TRUSTEE DOMINO: That is what it appears to be to me.

MR. HAGAN: If it's a detailed survey, the Board of Trustees has been in the field on the last field inspection and they can say that survey matches what we believe the condition of the property to be when we did our field inspection, it matches the recollection of the Trustees in the field, then it's already in the file, you have access to it. You certainly can use that as your guideline for the approval. We just have to remember that with regard to this application, you are going to stamping the plans that have the buffer zones delineated on it as the plans you are using in the application. But you have to hold them up to one another to make sure the structures are in fact matching.

MS. MOORE: If I could interject. I see in my e-mails on March 9th, I was communicating with you, Elizabeth, with the survey that had the buffers showing on them. It was attached as, by e-mail.

MS. CANTRELL: You mean the March 10th e-mail?

MS. MOORE: Mine says sent March 9th. Monday. I don't know when you received it.

TRUSTEE WILLIAMS: Pat, in the interest of doing this correctly, I think it would be best to prepare a new survey, showing the areas of non-disturbance and the areas of non-turf. Also, the survey that we have, most recent survey, doesn't have very clear dimensions on either the wooden bridge or the dock, and it would just be very clean and tidy to have all of that together on one piece of paper so we are not, you know, moving forward, future Board members don't have to look at this and read that, and the next thing. Let's just get it all in one place. Does anyone else have an opinion on that?

MS. MOORE: Well, in a perfect world that had not had a four or five month or six month hiatus because of COVID and scheduling, I

would agree. But I have here in my file what shows to be a survey that I sent and submitted to the Board, and the dimensions of the structures. I did provide the detailed dimensions of those structures. So I think you have everything in your file.

MR. MURPHY: We actually went back and had Mr. Corwin update the survey to reflect the dimensions.

MS. MOORE: Right. That's the March 9th, 2019, survey that is showing as a modification to the survey. So somehow or other it's got to be in your files. I just don't know why it's not coming up.

MS. CANTRELL: I looked in the hard file. It is not in there.

TRUSTEE WILLIAMS: Sorry, Liz, can you repeat that?

MS. CANTRELL: Unfortunately, the hard file does not contain any of the surveys than the one that is shown on record in the computer.

TRUSTEE WILLIAMS: Did you get that, Pat?

MS. MOORE: Yes. I don't know how -- we forwarded by e-mail to you, hardcopies. Number three is that the old survey?

TRUSTEE WILLIAMS: Number three is the survey, and again, if you look at --

MS. MOORE: No, it would have been something that was sent to you, probably one of the last things sent to you.

TRUSTEE WILLIAMS: I've scrolled through all 66 pages in this file and I don't see what I need to see.

TRUSTEE KRUPSKI: Personally, I'm one of five here. I would be comfortable, we have two surveys, right? The '97 one and the 2011 one.

MS. CANTRELL: The 2011 one is from another file.

TRUSTEE KRUPSKI: Oh.

TRUSTEE WILLIAMS: You see where I'm going with that, Pat?

TRUSTEE KRUPSKI: Which Damon did say we could reference, correct? I mean -- I think, if you look at the two, you know, I do think they are very comparable in terms of the structure, minus the pool.

TRUSTEE BREDEMEYER: They appear to scale identically. I mean, I don't have the ability to take lines off the computer, but I concur. They are relationally to the bank of Wunneweta and where the wetlands are flagged, they look very consistent.

TRUSTEE WILLIAMS: And they don't have the dimensions of the bridge on there?

TRUSTEE BREDEMEYER: They do not. That is a shortcoming.

TRUSTEE KRUPSKI: We did verify those in the field. I would be comfortable going forward referencing those buffers from that survey, and then stipulating a new survey with the dimensions and the buffers. But again, I'm just one. I'm speaking for one of five.

TRUSTEE WILLIAMS: In the current situation, Mr. Hagan, can we approve that with pending new surveys?

MR. HAGAN: If your project description is the accurate reflection of the structures that are there and you want to try

to incorporate this plan that details out the buffers and make reference to it in the approval, you can. You are essentially going to have to stamp two plans with regard to the application; one that has your buffers detailed -- can we stop moving it for a minute -- from the buffers and the structures. Thank you.

So you essentially have two plans. You have one that has the dimensions of the structures that you are looking to approve herein. And you have the other one that is reflective of the buffers. I believe you should be able to approve the application, should the Board be so inclined, provided that we are essentially going to reference two plans herein; one being the one that has the dimensions of the structures listed and then the other one which has the buffers reflected thereon.

TRUSTEE WILLIAMS: The problem, Damon, is neither plan has the dimension of the structures.

MR. HAGAN: I thought the other plan has the structures that are on -- I thought the structures had the dimensions on the other plans.

TRUSTEE WILLIAMS: It shows the structures drawn in, but it doesn't have the dimensions.

MR. HAGAN: Can we go back? I can only see one thing at a time.

TRUSTEE WILLIAMS: Can we go back to page three of the file in laserfiche?

MR. HAGAN: That's not a dimension?

TRUSTEE WILLIAMS: It shows them on there but it doesn't have any clear dimensions. That's the issue I see.

MR. HAGAN: That's just locations on those?

TRUSTEE WILLIAMS: Correct.

MR. HAGAN: All of your other plans that you've reviewed and accepted have the dimensions of the items that are being permitted listed directly on the plans you are stamping approved.

TRUSTEE WILLIAMS: So what I'm hearing is unfortunately neither plan is acceptable for the structures that we are reviewing.

MR. HAGAN: I would say it would be inconsistent to have a plan that doesn't have dimensions of the structures you are looking to approve.

TRUSTEE WILLIAMS: Pat, do you hear this?

MS. MOORE: I do. I know I gave you a project description with exact dimensions on them that you also verified in the field.

So would it be possible for me to give, I could have Nate take the survey that I have here in front of me, March 9th, 2019, that matches the buffers that you were referring to, and I can ask Nate to add the dimensions of the structure, which I actually have precise dimensions 4x16.2 fixed dock. I mean I was very specific with the dimensions.

TRUSTEE WILLIAMS: Unfortunately, lacking that information right now, I'm not comfortable moving forward with an approval.

Anybody else --

MS. MOORE: You've got multiple surveys now showing you that the Structure, which is pre-existing --

TRUSTEE WILLIAMS: Neither structure shows, has dimensions of the you know -- I would --

TRUSTEE DOMINO: I don't believe you concluded your thought there. What were you going to say?

TRUSTEE WILLIAMS: Neither plan that we have has the measurements for the structures: The foot bridge or the dock.

TRUSTEE DOMINO: I understand that. But I think she was leading to something, that she could have Nate do something. I'm not sure what.

MS. MOORE: Sorry, I didn't know who you were asking. Yes, I could have follow-up, and follow-up after this with the resolution with a survey that shows all the buffers you were just addressing on the other plans and have the dimensions which will match the dimensions I have already given you in my project description. I'm asking a lot from Nate but I'm hoping that he will provide that for us pretty quickly, because the March 9th survey I have here in my hand is the one that shows all of the buffers. I just need to have Nate add the dimensions of the existing structure, which should not be a problem because I actually asked him to verify the dimensions.

MR. MURPHY: This is Bill Murphy again. We did request that of Nate and he did reply and provide that. I actually have a copy of that survey with the dimensions on it.

MS. MOORE: That comes in a project description that you have in your files.

TRUSTEE GOLDSMITH: All right. So if you guys have it -- I guess we are bantering around this too much -- you supply it to us. When we get the new survey then we can make a determination with the buffers and dimensions and everything like that. Until we get that, we can't move forward on this

TRUSTEE WILLIAMS: I would make a motion to table the motion pending new written description and survey accurately showing the non-turf buffers, the non-disturbance buffers, and with dimensions of the foot bridge structure and the dock structure.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number six, Patricia Moore, Esq. on behalf of **CHARLES & GERALDINE RIESTERER** requests a Wetland Permit for the existing 2,690 sq. ft. two story dwelling; existing 1,108 sq. ft. seaward side paver patio with walkway; a proposed 14'x24' in-ground swimming pool seaward of dwelling; as-built 4' wide pavers behind retaining walls; as-built three (3) 60 linear foot long retaining walls on south side, and three (3) retaining walls on north side, a 23 linear foot long, a 23 linear foot long and a 10 linear foot long retaining wall; and to install a

drywell for pool backwash.

Located: 1945 Calves Neck Road, Southold. SCTM# 1000-70-4-47

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council did not review it, therefore they made no recommendation.

The Trustees conducted a field inspection on March 11th, noting that we need new plans for the pool and also with the small fish pond.

We did get a new survey for this one on March 10th, received March 14th, showing the pool and fish pond.

Is there anyone here wishing to speak regarding this application?

MS. MOORE: This one is pretty straightforward. You have been there. We have the proposed location of the pool. I'll come back later with an amendment for the fence. The surveyor didn't provide me the location of the fence, and it's going to be on the same side as the pool. But I'll come in with an amendment for that. Otherwise, it is as shown.

TRUSTEE GOLDSMITH: Anyone else wishing to speak regarding this application?

MR. BELNIAK: We do have one hand raised. Jason Peters. Jason, I sent you a command to open your mic. And if you do so, the floor should be yours.

MR. PETERS: Good evening, again. Regarding the fish pond, the fish pond as amended there is proposed to be removed. Elevations of the backyard kind of require us to do so. I don't believe we are putting it back, just removing it.

As far as the fence line was concerned I had questions from the homeowners and I will bounce them off you regarding the fence location. What they were wanting to do is run a fence off the corner of the house where the proposed equipment and drywell were. On top of that retaining wall there is a 4x4 retaining wall that runs that side of the property.

They wanted to go down to the lower bulkhead if possible, but I didn't know your rulings on that, if we could go to the lower bulkhead across and then carry back. The other side of the house would be a retaining wall, or there shown as a retaining wall, which would be the boat ramp, and then back to the house.

TRUSTEE BREDEMEYER: Generally speaking, any fencing that is within 25 feet of water, is not permitted within 25 feet of the wetland or water. It causes habitat fragmentation. So ordinarily just the fencing on the side property lines going down to the vicinity of the wetland, but going across the property, we really need a specific set of plans and a field inspection to look at what you are proposing before the Board will entertain it. But we can't really discuss that at this point without a set of plans or something to go on.

MR. PETERS: Not a problem. I can absolutely have the survey adjusted. The two hashed, if you guys are looking at the same survey as I am, the two X'd out areas, the two black lines that are on the right side of the page are actually retained areas

that they use as a garden. So they didn't want to segment it if they didn't have to. But 25 feet back we can we can absolutely delineate that line and bring the fence along that area and carry it back. I didn't know the answer to that question, but thank you.

TRUSTEE GOLDSMITH: Is there anyone else who wishes to speak regarding this application?

(Negative response).

TRUSTEE GOLDSMITH: So, for clarification, you want to move forward on this and then come back with an amendment to the fence?

MS. MOORE: Yes. They could get started on the pool. The fence will be the last item. And I can bring in the amendment. I suspect that the Board would rather have the fence at the uppermost retaining -- what is it, the landscape feature, which is about 20 feet from the bulkhead back. If the pool is at 40, looking at very small numbers --

TRUSTEE GOLDSMITH: 45 or 42.

MS. MOORE: Yes, it's about 20, maybe a little less than 20. But where the uppermost retaining wall is, that's where I was suggesting that the client put the fence and then the plan is to run it back. We spoke to the neighbor to the north, Coogan, and her concern was the fence that, because the property, the way it's positioned, might be, a fence might disrupt her views. But our fence is staying over on the southeast side of the property. So again, it's a very simple amendment. We can deal with it at a later date. I can have a survey show it, and it would probably be an administrative amendment, since it's so minor. And that's not a problem.

TRUSTEE GOLDSMITH: Any further questions from the Board?
(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: I'll make a motion to approve this application as submitted.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE DOMINO: Number seven, Suffolk Environmental Consulting on behalf of **STEVEN & JACI OSDOBY** requests a Wetland Permit to

construct a 16'x36' swimming pool and install pool equipment and a drywell for pool backwash; remove existing 12'x19' seaward side deck with ramp and stairs totaling 319 sq. ft., and construct a new 14'x27' deck with stairs and landing (33 sq. ft.) to grade, a 3'x4' generator, and a 4'x8' outdoor shower.

Located: 605 Bay Shore Road, Greenport. SCTM# 1000-53-3-8

The Trustees conducted a field inspection at this site on February 5th, at 9:35 in the morning. All were present. And suggested at that time a ten-foot non-turf buffer, and questioned the status of the chain-link fence.

The LWRP coordinator found this to be consistent.

And on February 5th, 2020, the Conservation Advisory Council voted to support this application.

We have, subsequent to that, on August 15th, Trustee Bredemeyer and Trustee Domino met with Bruce Anderson of Suffolk Environmental Consulting regarding the fence and flagpole and other placements. Whereupon there were e-mails exchanged. There was an e-mail from Trustee Bredemeyer to Suffolk Environmental Consulting, a copy of which is in the record in the folder, and it stipulates some conditions. It's my understanding that these conditions have been agreed to by Suffolk Environmental Consulting, Mr. Anderson.

And other than that, this application is straightforward. Is there anyone that wishes to speak to this application?

MR. BELNIAK: Yes. We have Bruce Anderson here. Bruce, I just sent you a command to open up your mic.

MR. ANDERSON: Good evening, again. I have nothing further to add. I think we went over this in work session on Monday, so I think everyone is pretty much up to speed on this and the conditions are acceptable to the client.

TRUSTEE DOMINO: Perhaps for expediency, I'll just read the conditions quickly. Number one would be to accept the ten-foot non-turf buffer. Number two, stipulate no sand or fine materials be employed in the buffer that might float, wash or otherwise migrate into the wetlands from the buffer. The existing topography, a lower profile berm noted sloping away from said wetland is to be maintained to prevent lawn fertilizer, mulch, et cetera from washing over the berm into the vegetated tidal wetland. Number three, stipulate that no pesticides are to be used in the buffer. Number four, stipulate that a low profile delimiter barrier be placed at the landward boundary of the non-turf buffer and the lawn. Number five, stipulate that the derelict metal stakes and derelict rusty galvanized wire fencing materials noted seaward of the chain-link fence be removed, as they represent a possible human or wildlife entanglement hazard. And lastly, number six, stipulate that any replacement of the chain-link fence is to be open-constructed fence, such as a split-rail fence, to conform with Chapter 275 Wetlands standard and accepted environmental practice, reducing habitat fragmentation.

Having said that, and hearing no further comments, I make a

motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE DOMINO: I make a motion to approve this application with the addition of the six stipulations agreed to by Mr. Anderson.

That's my motion.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE BREDEMEYER: The next application, number eight, Suffolk Environmental Consulting on behalf of **PATRICIA GOELLER KIRKPATRICK** requests a Wetland Permit to construct a 34'x28' two-story, single-family dwelling with attached 15'x30' seaward side deck and 84'x11.5' driveway; install a new innovative, alternative, nitrogen reducing AI/OWTS septic system with ±161.0 linear feet of retaining wall surrounding the septic system on the landward side of the proposed dwelling; and to establish and perpetually maintain a 50' wide non-turf buffer area landward of the tidal wetland boundary.

Located: 565 Fisherman's Beach Road, Cutchogue. SCTM# 1000-111-1-34

This application, the Board of Trustees inspected this property on March 11th. At that time I had requested communication with the applicant concerning considering a pressure mat feature for the leaching portion of the IA/OWTS in order to reduce the height of the retaining wall. The Board needed to see site elevations of the street height, and the Board has a concern about limiting the clearing of the bayberry on the bay side, and all the property seaward of the bay side of the house as being into a non-disturbance and the rest of the property non-turf, and to limit clearing to five feet from the end of the deck.

The Conservation Advisory Council was not able to make inspection of this project.

The LWRP coordinator had specific concerns that were outlined dealing with protection of natural resources. Specifically he was concerned that in the event the action is approved, that the creation of a 100-foot vegetated natural buffer inclusive of the existing vegetation was recommended landward of the edge of the beach, and specifically queued the Board with concerns with respect to the proposed location of the home is within the FEMA AE elevation six flood zone where there

is potential loss of structures on site from storm surge, particularly hurricanes and from flooding is moderate to high. And the Board is recommended to verify the beach natural feature on the parcel as defined in the definition of "beach" being that zone of unconsolidated earth extending landward of mean low water line to the seaward toe of a dune or bluff, whichever is most seaward, where no dune or bluff exists landward area of the beach is the landward limit of the beach is 100 feet from the landward place where the mark change material and material physiographic form or from the line of permanent vegetation, whichever is seaward.

I do believe that in fact was in keeping with the comments that the Board had during the field inspection on March 11th.

Subsequent to that field inspection, an additional site plan was provided, including an additional engineering plan submitted by Joseph Fischetti Engineering, which was dated on March 17th and ended up getting dated in the Trustee office May 29th on the account of the COVID-19 delays.

Also in a regular mail submission to the Board, there is a letter from Robert Anderson of Suffolk Environmental Consulting outlining those plans and performing a summary capsule of the plans submitted which detailed that the retaining walls for the IA/OWTS system were moved or placed on the property so they are five feet from the property lines and that the resulting height of the proposed sanitary system retaining walls will vary from 1.6 to 2.2 feet above grade, and that the five-foot offset of the property, it is proposed that that area can then be vegetated to reduce the visual impact of the retaining walls.

Also was stamped in the Trustee office as part of the March 17th submission of Engineer Joseph Fischetti is a technical memo that Mr. Fischetti submitted concerning a comparison between the geo-textile filters and the leaching galleys. The leaching galleys are what appear on the plans submitted to the Board, that the Board had requested information concerning the leaching galleys, and wherein his engineering analysis purports that the geo-textile system would only lower the elevation by some six inches, and additional differences between the systems that he outlines are is that geo-textile system would take up more surface area, it would be more costly, and the galleys are more robust and will last longer before failure.

I believe that is a summary of the materials we have in the file to date.

Is there anyone who wishes to speak to this application?

MR. BELNIAK: Yes, we have a number of the attendees in the audience, Bruce Anderson -- sorry, we have David, I'll send you a command to open your mic. If you could also share your last name with the reporter, that would be great. And we have two other people as well.

MR. BADANES: My name is David Badanes. My in-laws Irene Brower owns the house next door at 495 Fisherman's Beach Road, and I have my wife who is the daughter of Irene Brower, Lori Badanes

right next to me.

So we have a few questions. I'm not sure if there is a time limit, but I'll try to keep them as brief as possible.

It's my understanding the person who owns this property at one point cleared the property without proper permits. I just want to put that on the record. In terms of what she is suggesting, we are requesting trees on the property buffer. We would like a privet hedge. And if I'm going too fast please let me know. We would like a privet hedge, mature, eight feet to ten feet, at least, to be put between that property and, again, 495 Fisherman's Beach Road. We also would like I guess a covenant to make sure that those trees or hedges, I should say, are maintained in the future.

We also are concerned about flooding on the road. I'm not too, I mean we have been told that the deck may be too big.

Also what does it really mean to have a 50-foot wide non-turf buffer?

In the application it uses the term "innovative." Typically, when people use these types of terms it means they are trying something new that may not be tested. I want to make sure that whatever they are doing is something that is not going to fail in the future.

Also, if the property at 495 Fisherman's Beach, which again is a direct neighbor, what if in the future they decide to build a second floor? What if in the future they decide to build an addition? How is this going to effect whatever they may do in the future, since these plans are going to be very close, I believe within ten feet, correct me if I'm wrong, I'm sorry, within the property line -- on the driveway and the property line, I apologize.

So again, the main request is to have a mature privet hedges, at least eight to ten feet on the property line, for esthetics, and make sure they maintain those hedges in the future, that they are always there. And we are concerned about flooding on the road, the deck being too high. And what, if anything, how does this affect the property of my in-laws if they want to do additions of a second floor in the future?

Thank you, so much, for allowing me to speak tonight and I wish everybody a pleasant evening. But if I get to speak again, I certainly will.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE BREDEMEYER: Thank you, very much. Before we get to additional comments, I'll speak to the clearing on the property was put under review of the bay constable and I was the Trustee available to perform an inspection with the bay constable, and we taped out the distance from the unconsolidated beach to the clearing. That said, the Board did express during the field inspection our concerns about leaving all that additional native vegetation, and there is the comment from the LWRP seeking a full 100 hundred feet of protection, essentially of beach material.

With respect to the other items, they are certainly open to the Board for discussion and discussion with the applicant. I

just want to put a clarification, with respect to there was a Town investigation.

Is there anyone else who wishes to speak to this application?

MR. BELNIAK: Yes. We have someone from the audience as well. Joseph Fischetti. Joseph, I sent you a command to open your mic.

MR. FISCHETTI: I think I'll leave it up to Bruce to start this discussion.

MR. BELNIAK: All right, Bruce, you should be able to open your mic.

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant.

I want to make a couple of comments here. This is a house, we provided you with a survey of this house by Peconic Surveyors as part of your file. And in that file you can see that the house lines up with adjacent houses on either side. We can expand this analysis very easily and include all of the houses on Fisherman's Beach Road.

This, we have made an application for a wetland permit. A wetland permit application. But the Board should take note that the proposed deck is outside, is 141 feet from the wetland boundary, which is defined as the mean high water line. So this is not -- the only reason we are before the Trustees is because in Trustee regulations entitled Wetlands and Shoreline, you have jurisdiction within 100 feet of the beach. So the other interesting thing about the code is that there is no setback from the beach.

The next thing I want to point out is that the survey shows all of the, shows the principal and it shows the accessory building envelopes on this, and no variance would be required to build this house.

The third thing I want to say is that this house is similarly sized to both houses on either side, and is actually on the range of the smaller houses located along this stretch of beach. This is a typical beach house. And so it would sit on the property just as the houses on either side. And as to some of the houses on the beach, many houses along this stretch of beach, are significantly larger. Many houses, a majority of the houses contain two stories. And that's worth noting. The vegetation that exists on this property is among the most common vegetation whatsoever that we can think of. Yes there is bayberry, but the bayberry is scattered and concentrated in the center of the house -- center of the property where the house would go. So once the house is built, there would be significantly less vegetation. It would resemble what the other houses along this stretch look like.

There is no, we are not seeking to build a lawn, we are not seeking to do any of that. We are just simply asking to build a beach house that is common along this stretch of beach. The septic system that you see is an IA system, which is an innovative alternative system that is favored in Eastern Long Island and is

now permitted by Suffolk County Department of Health Services, which provides for a secondary level of treatment. And to my knowledge would be the only such advanced septic system on the entire stretch of beach.

In order to make the septic system work, it has to be suitably elevated above ground water, and of course the elevation, the first-floor elevation of nine feet is provided so that the system is gravity fed. And that's the way to design a septic system. It would be surrounded by a retaining wall, and that retaining wall is needed to retain fill. It suitably elevates the system. The plans prepared by Joseph Fischetti tell us that this retaining wall will vary depending on the grade, somewhere between 1.6 feet, that is above grade, to 2.2 feet above grade. So it is a very low retaining wall. It's also set off from the roadside and surrounded by three feet, which provides a landscaping opportunity to landscape out this very low wall.

As for the flooding, this property, unlike probably most other properties, would be subject to the Town's storm water regulations, and we intend to fully comply with those regulations.

I think if you view this house and this property in context of an area in which it lies, you would conclude that it is completely appropriate for this area and shouldn't be treated differently than other properties have been treated in this stretch of beach.

So we have a house that is suitably setback from the wetland. The clearing that occurred on the, up near the road, I don't believe would have been regulated by the Trustees in any event. But, it is what it is, and that's where the septic system is going to go in any event. So we are not regulated from Wetlands on the north side of the road because of the road. So this is a project that complies in all respects with all applicable rules and regulations of the Town, the DEC, the health department and every other regulatory authority, and should be viewed as a very straightforward project.

With that, perhaps Joe Fischetti can speak a little more to the septic system, because it is an important feature to the overall plan.

MR. FISCHETTI: Good evening. This is my first Zoom meeting. This is very interesting.

Again, the neighbor who asked us about an innovative system, that is just the terminology that the Health Department uses because we have been using subsurface cesspools and septic tanks for so long that these new systems that reduce nitrogen up to 95% are innovative. But they have been approved and they have been tested by the Health Department, and these are very important systems. Again, you have my report on the difference between leaching galleys and these shallow, well, not shallow, field tiles.

TRUSTEE BREDEMEYER: One point I would like to add, I failed to

do it in my introduction, was that as a result of our Monday night work session, the Trustees were looking for an additional elevation plan from the street so that we had an eye view, in other words, a notion of the height of the retaining walls as far as the total project. I think only a single sheet was received in the office, and I don't know if it's available that we can see it here. But it didn't seem to, I didn't see the retaining wall on it. Also --

MR. FISCHETTI: What you had asked for, it was interesting that it's never been asked before. What you really were asking for, in elevation, was to give you a 3-D view, standing in the street, looking at the grading and the house. Now, we were capable of doing that and we could actually give you a 3-D picture, a video of the house if you needed it, but not within the timeframe that you had asked for. But again, we are talking about, we have elevations from the street, the existing elevation in the center of Fisherman's Beach is elevation four. Now that's the middle of the road, if you look at any of the surveys online, and you have 3.7. Again, from those areas we only have 5.5. Again, this is, some of these areas are less than two feet above the ground. So I think the request for a 3-D picture is to get an idea of what a less than two foot retaining wall would be in relation to a roadway. We can do it for you but it's never been done before.

TRUSTEE BREDEMEYER: With all due respect, you may have not submitted one, but that's a point for another discussion.

A question for you, with respect to your engineering analysis where I think you said the highest point of the retaining wall would be 2.2 feet above the grade at its highest, is that also, with a one-foot cover over the leaching galleys. Is it possible to have that retaining wall go lower and that the soil sloped up to the one-foot minimum the County Health Department requires over the galleys?

MR. FISCHETTI: We have the galleys, the grade above the galleys is at 5.5. We do have a 5% pitch at ten feet. So you could conceivably pitch that wall from our elevation of 5.5 to actually -- we could lower that wall other six inches.

MR. ANDERSON: If I may, the Board should take note that one of the important design features and the instructions given to us by the client, was that they wanted the houses to line up. If I were to grade, if we were concerned about the one-and-one-half to two-foot wall on the road, I could eliminate that, but the way that would happen is you would then advance the house in front of the two houses to either side, which I would think would be less desirable from the standpoint of the neighbors.

TRUSTEE BREDEMEYER: It would be clearly blocking their views.

MR. ANDERSON: Yes. And I could advance, and I have room to do it, the setback from the wetlands. The jurisdiction is 100 feet. As I said, I'm 141 feet away. I could do that. But I don't know that that would be a good thing for the neighborhood. I would think it would be a bad thing for the neighborhood.

TRUSTEE BREDEMEYER: That's a point for the whole Board and it's discretionary authority to discuss. But clearly the plan does show that the house is no further seaward than the neighboring homes, which is a requirement of our Wetlands ordinance.

Continuing with the thread, I just had with Mr. Fischetti, though, he is indicating the possibilities of making the wall even slightly shallower. Just let me finish for a second.

The concern of the Board comes also largely from another house extremely close to this project, where it seems that the retaining walls, if anything, were higher than the original project plans. Understandably when you are constructing such a wall, some contractors may want to make it significantly higher for purposes of making sure they don't run into trouble with ground water elevation when the Health Department inspects and/or other features such as putting patios or driveways at the same elevation. I'm not saying that's the case here but the Board learns through its experience, and I've received many complaints from several houses where there are retaining walls that looked like they might have come in around two feet, came in closer to five feet.

Go ahead, Mr. Fischetti. I know you wanted to speak.

MR. FISCHETTI: Yes. I was looking at an older plan that I have here. So the grades of the leaching galleys are elevation six and the 5.5 does take into consideration a 5% pitch away. So it was lowered, when we talked about, this has been lowered. And to have to go from, well, I don't see how that would happen. I leave it up to you. Again, this is a two-foot wall, we are complying with Health Department regulations.

TRUSTEE BREDEMEYER: Okay, with respect to the neighbor's request for vegetation in the area between that, I presume it's the driveway side of the property, or is this the neighbor to the I guess would be the east. I guess the question is would you be willing, would the applicant, owners, be willing to put in some sort of vegetative screening along that side as proposed by the neighbor during public comment?

MR. ANDERSON: I think we would be willing to consider that and I think maybe the answer is then to put together some sort of a landscape plan. It's not something we can do in five seconds, but it might be useful even to demonstrate to the Board that the, this two-foot wall, we can plant in front of that as well. We set these walls off the property line by three feet, so it gives us that opportunity to fill that space in.

TRUSTEE BREDEMEYER: Maybe I mis-spoke. For some reason I was under the impression it was five feet off or was that the revised plan it was three and the original five. But if it's three feet, it's three feet.

MR. ANDERSON: Three feet.

TRUSTEE BREDEMEYER: Also, a submission of a planting plan can also help address the serious concerns of the LWRP coordinator to establish a natural resource protection for the beach. We did notice one of the other neighbors, I believe that would be the

neighbor to the west, has been significantly clearing American beach grass, which I think is a point that the Board was going to take up in possibly future discussions with the owner. So that might, such a plan might address concerns of people speaking at the hearing and also might allay some of the Trustee concerns. But I want to hear from anyone else who wants to speak to this application and give Trustee input.

TRUSTEE DOMINO: I have a question. In the portion of, I saw on the retaining wall, in references to elevated grade. I'm not quite sure what that grade is. Is that the existing grade? And perhaps it would help me to understand the situation, if there was some reference that I could work from, elevation of the road, or so that when this is completed that I know the wall is in compliance with what I thought was the intent of the plan.

In other words, we don't wind up with a wall that is significantly higher and I don't have a reference to measure it from if I want to complain about that.

MR. FISCHETTI: Mike, given the elevation of the top of the wall is 5.5. I mean that's the relationship. As to the section on my drawing, the right side is existing grade and the left side is the sanitary grade. So the right side is existing grade. And it's just a section. So if you look at the plan you'll see existing grades around this property go 3.5, 3.6, 3.3. The road is, the center of the road is four. These are elevations above mean high water. So we are talking about, again, roughly two feet of existing grade. If you want to work with what's there. But it's 5.5. And again, 5.5 is elevation above mean high water.

TRUSTEE DOMINO: One of the difficulties, the new wrinkles with the Zoom is I'm having a difficulty looking at that particular plan.

MR. FISCHETTI: You don't have it in front of?

TRUSTEE DOMINO: No, I don't. And I guess what I'm asking, when the area Trustee does the final inspection, how does he reference these elevations.?

MR. FISCHETTI: If somebody can zoom in, you have the drawing up right now. Zoom in on the site plan. Not all the details, but the site. If someone can bring that up, that would be great.

TRUSTEE BREDEMEYER: I think Dianne is on that.

TRUSTEE DOMINO: They are attempting to do that right now.

MR. FISCHETTI: Great. Let's get to the site. Make it a little -- yes. The retaining wall and leaching galleys, all that. Make that bigger so we can all talk about it. A little bigger. Okay. Now center it, please.

Move to the right so we can see the roadway.

MR. BELNIAK: If you grab the white hand icon in the toolbar and click it, you can drive it that way.

There you go.

MR. FISCHETTI: Okay, Mike, take a look at the lower end of the corner, the number 73 there. Just to the left of that you see elevation ELF, that's 3.9. That's 3.9 elevation is existing

grade elevation. Now if you look at the center of the picture, Fisherman's Beach Road, you see elevation four. Now, if you go north some more, to the other corner, there is an elevation, it's right in the middle of the driveway, on the left side of the driveway, it says elevation 3.3. Those elevations are grade elevations, which is pretty much level property. And on the road, our retaining walls are going to be roughly two feet above that. So you if you see a retaining wall that is three feet above that, it's more than 5.5. So it's fairly simple to go in the field and, without a surveyor, to see if the elevation of that retaining wall is correct or not.

TRUSTEE DOMINO: I guess I'm trying to help the area Trustee, including myself. If the area Trustee is satisfied with that, if this, if the Board approves this application and the structure is built, you'll have the means to verify whether it comports with what we are seeing here on the plan.

MR. ANDERSON: I would just say --

TRUSTEE DOMINO: I was addressing my question to the Trustees.

TRUSTEE KRUPSKI: I guess my two cents about this, I just want to start off by clarifying. This would not by any means be the first time we asked for side profile when it came to a retaining wall. So that's becoming more of a practice that we are doing, for pretty obvious reasons, and really just for clarifying what is happening here. And you have to understand, too, that we get a huge variety of plans. So it's not always as cut and dry as this. And even that, there is always going to be some gray when you get out in the field. So, I mean, my point, I guess would be if I'm standing on Fisherman's Beach Road and I can walk on level ground three feet off and then measure the retaining wall at 24 inches or less, that certainly is straightforward. But that is not always the case where you can walk from level ground; are they going to put a berm in with trees in front. You know, I think that's why Trustee Bredemeyer asked for the side profile, which is, again where we are headed. We have been doing it more and more often and that's something I would expect in the future, to avoid problems.

TRUSTEE WILLIAMS: If I can chime in, the issue is in the plans, what we want to be certain of, the plan calls for the wall to be roughly 18 to 24 inches, and all of a sudden, the contractor is there on site and for whatever reasons, the wall seems to come out to be four foot. And that is our concern, is moving forward we don't want to go back and say, oh, the water table rose, whatever the construction issue was at that particular job, you know, we go back and we end up with a very different end result than what was presented to us at a hearing like this.

MR. FISCHETTI: Let me just talk about, this is a sanitary system that is inspected by the Health Department. The wall is there to retain grading for a sanitary system. I'm not going to have a five-foot wall if the grade around the sanitary system is lower. Because they won't accept that. They only accept what is the system that is there. So I don't know how to argue this point,

but the wall is designed in accordance with Health Department requirements, and it's there because we are retaining soil above the sanitary system. So I'll do whatever you want me to do, but even if I gave you an elevation -- because you are talking about two different things here. If I gave you an elevation from the street, a 3-D picture, which I can give you, that doesn't solve the problem of you worrying about whether the contractor is going to build the wall the way I designed it. That's a totally, you are talking two different things here. I'm willing to give you an elevation of a wall showing three feet above. Fine. How is anyone going to guarantee the contractor will build it properly? The Health Department will guarantee it. Because they are out there and they have to cert it, and everyone is watching what is going on.

TRUSTEE BREDEMEYER: The Trustees can always request an additional inspection, even if there is dual jurisdiction, it doesn't preclude the Board from asking.

Typically, Mr. Fischetti, as currently constructed, is the Health Department looking at the retaining walls before the construction of the galleys? In other words, chicken or egg. In order words, if a simple inspection by the area Trustee would confirm the elevation of the leaching galleys, that would mean the retaining wall would come in and be compliant. Or, vice versa, the retaining wall is built and it's no higher than the two feet above --

MR. FISCHETTI: This particular job most likely the system would be designed first and the retaining wall goes after. Because the requirement is a 5% grade away from the leaching galley. And that 5% would govern where the wall height is.

TRUSTEE BREDEMEYER: So presumably, if you have the inspection of the leaching galleys and they are a minimum distance above ground water, then the project would be self-tending with respect to the height.

MR. FISCHETTI: Correct. The project requires an as-constructed survey. So you could request an as-constructed survey.

TRUSTEE BREDEMEYER: Well, going to Trustee Williams' point, we would hate to see an as-constructed survey that had a four-foot high retaining wall. Let's call it as built. I just want to add, there is a couple of us here know a little bit about septic systems. I'll say I know at least three people, and one of the clerks and two of the people whose faces might be popping up here. So we don't need to belabor the point. This sounds like this is becoming more clear-cut. But the Board, we understand that it is difficult under the current conditions to get that additional elevation we want, but I think the Board is pretty firm in that because this has become more the rule, and as offered by Mr. Anderson, we might be looking at a planting plan and beach protection maybe we can get these additional materials, to table the application, get the additional materials, additional comments from people who want to comment, and then move forward with this at the next meeting.

MR. BELNIAK: All right, there are a few other people. David, I see your hand raised. You spoke just a moment ago. I just want to give a chance for Pat Kirkpatrick to speak. I don't think Pat has spoken yet, if I have that right. So Pat, then David. So, Pat, you should have command to open your mic and when you do, the floor is yours.

MS. KIRKPATRICK: Hi, this is Pat Kirkpatrick. I'm the owner who is trying to build all this. I really would like to just mention a couple of things of what you said. I'm more than willing to do plantings. I want to hopefully keep as part of the driveway the row of trees that are currently separating my house from 495, my proposed house from 495. I hope very much to keep that there. In addition, my hope is to keep the retaining walls totally low as possible as retaining walls there because of the septic. But I have no interest in dividing my property from the street or from each of the neighbors at, in that sense. And lastly, my idea is to keep it as native and natural as possible. I have a clearing out to the beach that is just wide enough, and hopefully there will be a four-foot path up through that, from what I can see from that. I'm not planting any lawn. I'm going to plant grasses back on top of the septic. Native grasses as well as some rose bushes. But I'm not looking to, I would like it to be a natural state. I don't want anything to maintain over time that is not necessary. And I certainly don't want to add anything with fertilizers or anything like that into the water system.

TRUSTEE BREDEMEYER: Thank you. Is there anyone else who wishes to speak to the application?

MR. BELNIAK: Yes. We have David Badanes.

MR. BADANES: Thank you, again. A couple of things. You know, this is not really my area. Is it possible to actually mail these plans to us or do we have to get them from Town hall?

TRUSTEE KRUPSKI: You have to get them from Town hall.

MR. BADANES: Thank you. You know, the comment was made that this is just a house that is already there. Basically this structure that is being proposed, in my opinion, and with all due respect, it's being shoe-horned in. I mean this is not just adding another story. This is adding another house. They already have a house which believe is two stories, and so this is not simply adding another story to an existing structure. This is shoe-horning another house onto this property. And I believe this road does flood. And I just have to mention, you know, this is a summer community, for the most part, and I notice that the original application was done in March. My mother-in-law is not there in March. I'm not even sure how she found out about this. You know, and I appreciate Ms. Kirkpatrick, if that's her last name, that she is willing to put in plantings. But I guess in my field everything should be in writing. And I believe the person from Suffolk, Mr. Anderson, said he would consider putting vegetation. Well, "consider" is a very nice word but it's not very definite. So again, I make that application again.

Also, I don't think there was any, there was no mention of fill on the permit. So I guess those are my objections on behalf of the owners of 495 Fisherman's Beach. I don't know if this is proper but I'll just throw it out so it's on the record, I would respectfully ask that the application be denied in full. Thank you, again.

TRUSTEE BREDEMEYER: Thank you. Is there anyone else who wishes to speak to this application?

MR. BELNIAK: There are no other new people.

MR. HAGAN: Just to clarify one point, I believe if you go on to the Town laserfiche system, the entirety of the application is available. And I believe we have a link at the start of the agenda. So if there was some documentation the gentleman wanted to look at with regard to this application, he could do so by accessing it from the Town website.

If you go if the first page of tonight's agenda, it gives you the steps on how to get to any application file so any sort of plans can be reviewed there.

TRUSTEE BREDEMEYER: Hearing no additional concerns, at this time I would move to table this application subject to the submission of the requested elevation diagrams that the Board requested after Monday's work session, and a detailed planting plan that would incorporate to the maximum extent possible the concerns expressed at this meeting by both the Local Waterfront Revitalization coordinator and those of the neighbor, so as the Board will have a definitive project plan upon which to give further consideration this matter. That's my motion.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Aye.

TRUSTEE KRUPSKI: Number nine, Suffolk Environmental Consulting on behalf of **CHARLES G. PARDEE** requests a Wetland Permit to construct a 16'x18' at-grade wood deck on the southwest corner of the subject parcel, setback 20.0' from the western property line; and to establish and perpetually maintain an 8.0' wide vegetated buffer area landward of the existing retaining wall and along the southern portion of the eastern property line. Located: 6760 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-126-11-3.1

The Trustees most recently visited this property on the 11th of March and noted this application was straightforward.

The LWRP coordinator found this application to be consistent.

I do not see a CAC inspection for this application at this time.

Is there anyone here that wishes to speak to this

application, or any comments from the Board?
(Negative response).

I see Bruce with his hand raised there. We can go to Bruce.

MR. BELNIAK: Bruce, you should be able to access your mic.

MR. ANDERSON: Robert Anderson on behalf of the applicant. I just want to say Trustee Krupski's description was very accurate. It's a very straightforward plan. We plan on establishing and maintaining a buffer landward of the retaining wall that you see. We plan on matching the esthetics of the neighboring property to the northeast as far as plant material goes, Rosa rugosa, bayberry, what have you.

So that's all the comments I have to say.

TRUSTEE KRUPSKI: Thank you. Is there anyone else that wishes to speak regarding this application?

(Negative response).

Hearing no comment, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE KRUPSKI: I make a motion to approve this application as submitted.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

Number ten, Robert Brown Architect on behalf of **JOSEPH & DANA TRIOLO** requests a Wetland Permit for the existing 2,170 sq. ft. two-story, single-family dwelling with attached garage; construct a 223.8 sq. ft. landward addition onto garage; a 199.7 sq. ft. landward addition (kitchen); a 318.3 sq. ft. seaward addition (master bedroom); a 493.6 sq. ft. seaward addition (living room); a 238 sq. ft. landward front porch addition; and for the existing driveway to be replaced with a 1,177 sq. ft. gravel driveway.

Located: 420 Beachwood Lane, Southold. SCTM# 1000-70-10-54

On February 5th, 2020, the Trustees performed a site visit with all Trustees present, noting flagged edge of non-disturbance line, suggest a five-foot non-turf buffer also to be shown a survey. Suggest 1A septic.

On March 11th, 2020, the Trustees performed an inhouse review of the revised plans noting okay with the revised plans.

The LWRP reviewed the application and found the proposed action to be consistent, noting installation of a non-turf

buffer and installation of an IA septic would further the actions of the LWRP.

The Conservation Advisory Council reviewed the application and resolved to support the application, recommending an IA septic system be installed.

Is there anybody who wishes to speak to this application?

MR. BELNIAK: Yes. We have one hand raised, Robert Brown. Rob, I'll send a command to open your mic.

MR. BROWN: Good evening, and thank you. I would just like to point out a couple of typographical errors in the description of the project in the agenda. Just for the record.

The description mentions an addition of the master bedroom seaward of 318.3 square feet, and it is in fact 18.3 square feet, as noted on the site plan. And the description mentions the living room addition seaward 493.6 square feet, and it is in fact 93.6 square feet. Other than that, if there are any questions I can address, I would be happy to.

TRUSTEE WILLIAMS: Just for clarification, the kitchen goes from 18.3 square feet -- I'm sorry, that's master bedroom.

MR. BROWN: Yes.

TRUSTEE WILLIAMS: Is 18.3 square foot and the living room 93.6 foot; is that correct?

MR. BROWN: That's correct.

TRUSTEE WILLIAMS: Thank you. Anything else?

MR. BROWN: Any questions, I would be happy to answer.

TRUSTEE WILLIAMS: Any questions from the Trustees?
(Negative response).

MR. BELNIAK: There are no other hands raised in the audience either.

TRUSTEE WILLIAMS: I would like to make a motion to close this public hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

I'll make a motion to approve the application of the work proposed for the sanitary system on plans received by Trustees office on July 30th, 2020, prepared by Daniel Balusko (sic) on 6/25/20 and construction of the non-disturbance. I would also like to accept plans of the construction, noting the corrections in the written description, which I'll read at this point. To do the following: A 199.7 square foot landward addition of the kitchen. An 18.3 square foot seaward addition for master bedroom. A 93.6 square foot seaward addition for living room. And 238 square foot landward front porch addition, and for a existing driveway to be replaced with 1,177 square foot of gravel driveway. And construction of a non-disturbance buffer as flagged by the Trustees. And a five-foot non-turf buffer as depicted on plans received by Trustees office on February 18th,

2020, prepared by Robert Brown Architect, revised January 6th, 2020. That's my motion.

TRUSTEE GOLDSMITH: Second. All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number eleven, Andrew V. Giambertone & Associates on behalf of **61600 MAIN ROAD, LLC** requests a Wetland Permit for the existing 6,280 sq. ft. one story building which is proposed to be raised where the bottom of the lowest horizontal structural member will be two feet above the current FEMA flood plane elevation; elevate all of the existing decks to match the new height of the building including existing 1,578 sq. ft. deck, and 150 sq. ft. deck on north side of the building; replace north side stairs with new 4'6" wide stairs; replace ramp on west side to meet ICC requirements due to raising of the building; install 6'0" wide stairs at the south side of the building; install new railings as required to all decks, stairs and ramps; all square footages are to remain the same.

Located: 61600 Main Road, Southold. SCTM# 1000-56-6-3.4

The LWRP found this to be consistent.

The Conservation Advisory Council did not do an inspection and therefore did not make a recommendation.

The Trustees conducted a field inspection on March 11th noting the drainage may be an issue. Should be reviewed by Town engineer. Also, no penetration through cement bulkhead should be allowed.

Is there anyone here who wishes to speak regarding this application?

MR. BELNIAK: Yes. I believe we have the applicant. Andrew Giambertone, I've sent you a command to open your mic.

MR. GIAMBERTONE: First I would like to applaud the stamina and focus of this Board, as I have been sitting here listening to three hours of testimony. I'm sure it's been quite an evening.

The new owners of the Heron Suites hotel property, which includes the Witski family, Albertson's Marine, as one of the owners, are looking to upgrade the facilities here in general. As part of that they would like to elevate the gathering portion of the hotel building to a point where it would be in compliance with the FEMA flood zone in that area, which would necessitate elevating the building approximately five feet.

We are also simultaneously in the process of working through a full approval with the Suffolk County Department of Health for a modified septic system. We are working with the Planning Department. We are planning on applying to the Planning Department for site plan approval which would include the engineering of the drainage. And there are extensive drainage and septic system plans that are being developed now. We are waiting for the opportunity to submit those.

I would be happy to answer any questions you may have.
TRUSTEE GOLDSMITH: Does anyone else have any other questions from the audience?

(Negative response).

Any questions from the Board?

(Negative response).

Seeing as how they are going to be coming forward with a drainage and septic upgrade plan in the future, that kind of addresses our concerns.

TRUSTEE KRUPSKI: Sounds reasonable.

TRUSTEE GOLDSMITH: Anybody else have any questions?

(Negative response).

Hearing no further questions, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: I'll make a motion to approve this application on the condition that a drainage and septic plan is to follow.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE DOMINO: Number 12, Michael Kimack on behalf of **LAUGHING WATER PROPERTY OWNERS ASSOCIATION** requests a Wetland Permit to construct a 76' long by 18' wide at low water, and 3' in height at highest point, a Living Shoreline consisting of approximately 40 cubic yards of rip-rap, 20 cubic yards of biodegradable sandbags, 420 sq. ft. of *Spartina patens* at 9" o/c; and to construct approximately 60' of Living Shoreline consisting of approximately 20 cubic yards of biodegradable sandbags and 480 sq. ft. of *Spartina patens* at 9" o/c.
Located: 2360 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-60

The Trustees most recent field inspection of this property is March 11th, 2020, and denotes all were present. The notes were signed by the agent Michael Kimack. The notes say that this is a straightforward, good project.

The LWRP found this to be inconsistent. The inconsistency arises from his concern that the use of vegetated non-structural measures to manage flooding and increase protective capabilities of natural features discouraged; should discourage clearing of existing particularly indigenous vegetation during design

siting, construction, regrading phases of any project.

The applicant states that the purpose is to preserve the beach and stop sand from accumulating within the dock slips. The manipulation of the shoreline by adding rip-rap does not meet this policy. It's unclear if the living shoreline would be effective at stopping sand from entering the dock slips. It is recommended that a less permanent treatment be applied.

There is no note in here from the Conservation Advisory Council regarding this application.

Additionally, there is a letter in the record, an e-mail from Tim Stump. I won't read it in its entirety Mr. Stump is the neighboring property, I believe to the north. And he states that he realizes that the nature-based living shoreline of 76 foot length may act as a groin and prevent migration of sand along the shoreline. And in that regard, might accrete sand on the association property and accordingly negatively affect his property. Additionally, he points out he's a member of Laughing Water Property Owners Association and he expressed concerns.

Is there anyone who wishes to speak to this application?

MR. BELNIAK: Yes. We have a hand raised. Just before I do that, as a reminder, we have one more call-in listener. *9 raises your hand to speak. But the person who raises his hand now, Michael Kimack. Michael, you should see a command to use your mic. The floor is yours.

MR. KIMACK: Good evening, everyone. let me give a little background to this. I know it's late and I'll try to move it along as quickly as possible.

Before I got involved with the project with Laughing Waters Association, they had had Cornell Extension come on to the site, and Cornell Extension was the one that actually positioned where the, where you call it the natural living shoreline, the groin, and it actually is a groin, but they are trying to soften it. That's what DEC is after. The location as you see it on the drawing is exactly the way the Cornell Extension positioned it. And you are right, the intent is to keep the movement of the sand, the action of the sand from eroding the beach and coming around to the back side. There is one piece, I have a Google Earth map, I think it's number six. If we can go to that. That really kind of encapsulates exactly what this is supposed to be intended to do. Can we put that up?

Okay. What I did, basically, is I prepared this off the Google Earth map, and that's an exact location based upon the recommendation for the location by the Cornell Extension. Where we came up with how we are were going to actually construct it was DEC really would like to see what they call that living shoreline, primarily, and they want to rely less upon all just stone revetment and try to get a little more of a planting in there by using sandbags and by doing Spartina. We recognize that because of the action of the waves that we are really not able to hold it in place with sandbags alone. And that's why I designed that, triangular stone on both sides with the sandbags

in the middle, which will take the brunt of it.

You can see from this picture how the shoreline kind of erodes. The shoreline kind of sticks out into the waters coming in from the bay in a northerly direction into Corey Creek, and the wave action had been pretty much going all the way to the left and then coming back and taking the sand and moving it around and depositing it into the marina on the back side where the dock slips are. And it's a pretty localized activity. And this is only meant and intended to really arrest the movement of the sand, to basically allow the beach to be stabilized. But it really is not, if you can see, the action is really localized to really the beach action, you can see where the sand is basically piling up and then swirling around the back side of there. I think Mr. Stump's property is not exactly on this. It's north of this, primarily, up that little estuary. Probably north of where the boat ramp is, I believe. That has not been affected at all by any of this. And all this would basically do is not do anything to whether he's losing sand or gaining sand. Because the movement of that sand is taking it away from the beach. Every time they put the soils down it comes around, and deposits it back on the back side.

TRUSTEE WILLIAMS: Mike, in your opinion, I'll just make a mark here. The issue with the sand is filling in here, and where do you think that sand is coming from?

MR. KIMACK: Here on the beach. Over here on the beach side. A little further to the left. Coming from over here. (Indicating).

TRUSTEE WILLIAMS: So by putting this wall there, it will stop the sand from migrating here. (Indicating).

MR. KIMACK: Putting it here stops it from eroding and coming on to the back side.

TRUSTEE GOLDSMITH: Mike, correct me if I'm wrong, where your clients have replenished that beach with sand and it just keeps getting washed away?

MR. KIMACK: Yes, and they basically are frustrated by the whole thing. The back side of it, the first two bays are completely filled in with sand. They just recently dug it out, primarily. And they had a permit to do that, primarily. And they piled that up and let it dry and they put a silt fence around it to make sure it doesn't migrate anyplace. But it was extensive. It came off the beach and came around the corner. So I can understand Mr. Stump's concern. but really the wave action, I mean, sand is moved by wave action, primarily. And where this beach is located really is not into the peak of the wave action coming in from the bay. Where Mr. Stump's property is farther up that little canal over there is less likely to be touched by the amount of wave action moving sand as much on the beach area here.

TRUSTEE DOMINO: Mike, I think I'm correct in paraphrasing that you believe the action is localized to the beach area.

MR. KIMACK: Yes.

TRUSTEE DOMINO: Has that been communicated to you by other

people, perhaps Cornell or maybe DEC?

MR. KIMACK: Well, Cornell basically said that location of the two arms, that looks like a bent "L," it looks like, basically, would arrest the erosion of the beach. Primarily taking that sand away from the beach. You can see that line, that dark line along there. This particular photo at one time, Mike, if you remember, they filled that with this black material, and they overburdened it with the sand, and so you can actually see the eroding line on this picture, that simply takes that and moves it right around to the back side. You can see it following around. This would arrest that from losing the sand on the beach. It won't necessarily stop it from accreting sand someplace else. That is normally moved by the wave action. And the wave action is coming in and also the wave action is coming back out again. So that action is not going to be impeded.

TRUSTEE DOMINO: So you are suggesting that this will arrest the erosion and we won't have the migration into the boat slip.

MR. KIMACK: Yes. And you can see what is happening, basically, it's beginning to close that area off there, and as this continues coming in, that eventually will be shut down and you won't be able to get the boats into that one area.

TRUSTEE DOMINO: Any other comments from the Board?
(Negative response).

Anyone else wish to speak to this application?

(Negative response).

MR. BELNIAK: There are no other hands raised at the moment.

TRUSTEE DOMINO: Hearing no further comments, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE DOMINO: I make a motion to approve this application as submitted, with the understanding that this action will address the inconsistency in that it does not seem to be a less permanent treatment as that will accomplish what Cornell and DEC have suggested. That's the only way I know how to phrase it.

TRUSTEE BREDEMEYER: I'll second that motion.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Aye.

TRUSTEE BREDEMEYER: The next application, number 13, Michael Kimack on behalf of **JONATHAN REBELL & NOAH LEVINE** requests a Wetland Permit to construct bluff stairs at 65'10" in length

consisting of a 4'x12' (48 sq. ft.) top landing to a 4'x15.83' (63.3 sq. ft.) staircase to a 4'x8' (32 sq. ft.) landing to 4'x15.83' (63.3 sq. ft.) staircase to a 4'x4' (16 sq. ft.) landing to a 4'x2.6' (13.6 sq. ft.) staircase to a 4'x5' (20 sq. ft.) landing to a 4'x11.8' (47.2 sq. ft.) staircase to a 5'x6' (30 sq. ft.) landing to a bottom removable wood or aluminum 4'x4.2' (16.8 sq. ft.) staircase.

Located: 4790 Blue Horizon Bluffs, Peconic. SCTM# 1000-74-1-35.56.

This is with the modification as requested by the DEC for the bottom landing of 4'x6' as opposed to 5'x6'.

This project was not reviewed by the Conservation Advisory Council.

The Board of Trustees on their March 11th field inspection had concerns about, with clearing in the area immediately adjacent to the bluff, which was relayed to the applicant through Mike Kimack, and at the time we recommended a 40-foot buffer. Mike Kimack did, subsequently did submit plans to the Trustees on March 12th. And then -- I'll check my dates again here. Excuse me.

I have a new plan which shows a 40-foot non-turf buffer, excuse me, Young & Young Surveyors, that was dated March 8th, which shows a 40-foot non-turf buffer. And I have a project plan submitted on May 29th by Michael Kimack which addressed the DEC concerns.

The LWRP coordinator has deemed this project to be inconsistent with the LWRP, particularly as it relates to management measures to minimize loss of human life and structures from flooding and erosion hazards, noting specifically he performed a photographic analysis indicating that the bluff is aerial analysis indicating that the slope and the condition of the bluff is highly erosive in this location and is not stable, and therefore the installation of a staircase without a bluff stabilization plan is not supported.

I do believe that does cover the file entries that I that I have and am looking at.

Is there anyone that wishes to speak to this application?

MR. BELNIAK: Mr. Kimack, again, you should be able to speak

MR. KIMACK: I knew that that one was going to come up because it is an eroded slope, primarily, and it's been eroding over a period of time. And as a matter of fact, that whole section along that way today, basically, has the same steepness of slope and same erosive capabilities. And when I first looked at it, when we were talking about whether they wanted to spend the kind of money necessary to restore this whole slope, and they said, well, what we would like to do is put a staircase in as well as we could and, you know, hope that basically it will hold.

The reason that, and I don't have the one, but about two or three houses easterly of this, there is a staircase that had been approved with the same kind of erosive slope that there was, and with the same steepness top to bottom. And so it really, in a sense, someone who wants a staircase down to the beach, basically, is going to build the staircase. It would be

subject to, obviously, and it has to be built very strongly. And that's the way I designed it, to be able to withstand the kind of movement that may occur. But the cost of restoring this particular slope land, basically, is extensive, and a lot of money, and they would prefer to put their money into the staircase done properly.

And the one that is two or three houses over is still in place and its held. And the slope is every bit as steep and every bit as pretty much eroded as this one. And that was approved by the Trustees about three years ago, I believe.

TRUSTEE WILLIAMS: Mike, just as a point of information for you, that staircase that was put in two or three years ago has washed out twice. Once they had to have an emergency permit, put in some rock revetment around the base of it to stabilize just the base, just the landing, so.

MR. KIMACK: The only thing I can suggest to you basically is that from a structural point of view on design, going back to basics, what I basically do is I use 6x6s down, tie the entire staircase together top to bottom on both sides with heavy 3x10s so the entire thing becomes one structure top to bottom, essentially. So there isn't individual legs that won't be giving out one way or the other. That is not to say there may be some eroding capabilities that happen in the future, but you can basically minimize that if you do construct it to a higher standard than normally you see. Everybody uses 4x4s and goes down about three or four feet, and they don't tie everything together. I have learned from past experience, with the ones that I've designed in situations like this, that if I, basically, lateral all my supports on both sides, legs on both sides, it really works as one solid piece top to bottom. And it minimizes the extent of losing that particular staircase.

I wanted to give the gentlemen the opportunity to have a staircase as strong as possible to withstand the kind of events that may be coming, given the fact that you already have an eroded slope and the chance of opportunity to erode further is certainly greater, more greatly enhanced as a result of that. That doesn't mean that it would not wash away, that doesn't mean that you can put one on a low vegetated slope and it washes away next year, something like that. I think it comes down to the fact that to repair that entire slope with revetments and hardened slope, basically, that is make sure that it is and then build a staircase over it, we are talking a significant amount of dollars that these gentlemen simply don't wish to proceed with that. But they would like access to the beach. The staircase, given the kind of structure that I put into it, will give them the best opportunity to withstand as much erosion as possible and still be there, as opposed to some the others.

I know that's a question of the veracity of who's telling you this, but I've built a lot of structures over my life, and I look at the situations and I look at where I'm putting it primarily, the circumstances upon which it had had to be placed

and I came up with a design that is as strong as any staircase being put in in any place in terms of the kind of materials and spacing it out and tying it together. It gives them the opportunity not to lose it.

It is placed very close to the property line, because unbeknownst to everyone else there is a five-foot right-of-way for the property behind it to be able to come and also build a staircase within that five foot. You can see the dashed line over there. So what we did, basically, is rather than have two staircases, we had it on the other side, we moved it to the other side simply to eliminate having to put two staircases down and just have one that allows the person behind by right-of-way to be able to use the same staircase.

TRUSTEE WILLIAMS: Is this stairway going to be put on the right-of-way or is it going to be put on the, you know -- I understand the property owner owns the whole parcel. But he's giving that strip a right-of-way.

MR. KIMACK: Well, that right-of-way was there before they bought it, Greg. It was part of the original purchase, and somehow they missed it when they put the survey together. And they came back and they realized that there was this right-of-way. Young & Young then put it back on to the property, and that's when we switched it from there back on to the other side, to make sure that the person who lives on the south, you can see it's a long, long walkway along there to use that right-of-way to come up with the staircase. But if you read the deed, they do have the right of construction of their own within that five-foot right-of-way going all the way down to the beach.

TRUSTEE WILLIAMS: I guess I go back to the question. The long-term plan is the hope that the non-waterfront property owner will have unrestricted access to the proposed stairway that the waterfront property owner is putting in?

MR. KIMACK: Absolutely, yes.

TRUSTEE DOMINO: Will it extinguish their right to apply for another staircase?

MR. KIMACK: Mike, that's a good question. If I put it where I'm putting it, it will eliminate the possibility of putting another staircase in the same location.

TRUSTEE DOMINO: Can we get a clarification of that will from our counsel?

MR. HAGAN: I'm sorry, could you repeat that, Mike?

TRUSTEE DOMINO: What Mr. Kimack is suggesting is the placement of this staircase very close to that right-of-way will obviate any request that the property from the back puts in to build an additional staircase. Is that in fact, would that hold up?

MR. HAGAN: Well, all right, if you put a staircase on a right-of-way --

TRUSTEE DOMINO: It's immediately to the west.

MR. HAGAN: I know. So essentially, what you are saying, is that we are going to put it right next to the right-of-way and then we'll let anyone that wants to use the right-of-way, they can

use the staircase?

MR. KIMACK: Yes.

MR. HAGAN: And then we are going to apply that so that other people can't go and apply for a staircase?

TRUSTEE WILLIAMS: I guess that's my question; will this proposed staircase block the non-waterfront property owner with the right-of-way, will that block him from putting in his own staircase should he desire in the future.

MR. HAGAN: I don't think it necessarily would hinder him from being able to make application for himself in the future. I could see how the Trustees might be disinclined to approve a staircase if there was a staircase essentially in that location. But this is not a joint application wherein there is any sort of representation that the other property owner will be able to use this staircase in the future.

TRUSTEE DOMINO: Understood.

TRUSTEE KRUPSKI: How far off the property line is the staircase? Off the right-of-way line, I guess I should say.

MR. HAGAN: From this drawing it almost looks like it's right on top of that right-of-way line. Can we zoom in, maybe?

MR. KIMACK: There is another drawing there also, that we did. That I did. Take a look at number eight.

TRUSTEE DOMINO: It's a little different.

MR. HAGAN: That looks like it's right on the right-of-way line.

MR. KIMACK: That's where I intended it to be.

MR. HAGAN: So the question then becomes if you are trying to avoid the need for another staircase in the future, is this property owner going to allow other people to use the staircase?

MR. KIMACK: It's only to the property behind them, primarily. That's the only one that has the right-of-way within --

MR. HAGAN: And the right-of-way extends all the way essentially to the bluff, or does it extend all the way down to access to the beach?

MR. KIMACK: Well, the right-of-way on the beach primarily extends all the way down to the high water mark.

MR. HAGAN: Which happens to hit a bluff.

MR. KIMACK: Yes.

TRUSTEE DOMINO: Then you are asking us to approve a staircase on somebody else's right-of-way.

MR. KIMACK: No, I'm asking you to approve a staircase on property of the owner who happens to have given a right-of-way of access to the beach to the property and he's providing the staircase so the other person doesn't have to.

MR. HAGAN: Based on this survey --

TRUSTEE DOMINO: That's somewhat problematic from the point of view of the owners, the man who has the right-of-way down to the beach.

TRUSTEE WILLIAMS: The one thing I want to point out, the property that has the right-of-way is 46.46 acres. So if that property were to be subdivided at some point in time, that right-of-way could end up going to several different users.

MR. KIMACK: It may well.

TRUSTEE WILLIAMS: So that, then all of a sudden if there comes a disagreement, you know, hey, you can't use my stairs, these are my stairs.

MR. KIMACK: Well, from a practical point of view, I understand what you are wrestling with on that. But from a practical point of view, we put the staircase in the right-of-way and they can all use the right-of-way, then the staircase becomes an extension of the right-of-way down to the water.

TRUSTEE WILLIAMS: If your stairway becomes a right-of-way but if you get to the bottom of the staircase and it jogs out of the right-of-way and goes on to the owner's property -- you know, you are always looking for the stuff you don't expect, and now all of a sudden the guy puts a chain cross there and says you can use it to this point, but you can't come on my property. So the stairway is not fully encased into the right-of-way. It veers off the right-of-way.

MR. KIMACK: I can do a covenant basically that my owner will sign that if we are in fact able to build this, that that particular location is intended to be able to serve the rights of the individuals, to be access to the beach by using that particular one, by depicting the staircase that's designed. That, I think would take care of your concerns.

TRUSTEE WILLIAMS: The other thing, Damon, feel free to help me out on this, would it make sense to have the property owner that has access to the right-of-way to give permission or to --

MR. HAGAN: No. So a right-of-way, this right-of-way exists within the boundaries of the applicant's property. And a right-of-way is just essentially a permanent grant of permission to cross my land to access a final point, namely the water. So it's not a matter of needing permission of those parties that have the ability to cross the right-of-way in order to do something. If there was some sort of blockage or barring or prevention of access to a right-of-way, that would be a civil matter for those parties.

As far as the Board of Trustees is concerned, this application if, leading from the bottom of a right-of-way, you know, being an extension of a right-of-way to access the body of water, you are not going against the spirit of the right-of-way by granting the staircase, provided that the staircase is allowed to be used by those that have the right-of-way.

TRUSTEE BREDEMEYER: I have just a couple of things to bring up with respect to this.

The Board, in discussing the buffer area, 40-foot buffer in the revised plans that were submitted, is requesting a consideration of using a low profile barrier on the landward side of it that would prevent a lawnmower or other cutting equipment from going over and continuing to cut the vegetation.

So thinking something in the order of railroad ties or --

MR. KIMACK: No objection to that. I understand, because that is consistent with all the other determinations you've made.

TRUSTEE BREDEMEYER: Okay. And then specifically to, with respect to the failure of the stairs to the east, which I know both Trustees Domino and Williams personally witnessed, the story was recounted to all of us, was that largely from toe failure or is it failure along the bluff; that leading to my next question is there any consideration to incorporating terracing boards, you know, between the uprights of the stairs and filter cloth?

MR. KIMACK: I can do that. I think one of the failures of that, because I took a look at it, too, Jay, is basically they poured concrete footings and set the boards on top, and the concrete footings were really only down in the ground about two to three feet deep. And they became exposed on the bottom section of the --

TRUSTEE BREDEMEYER: The neighboring failure --

MR. KIMACK: The neighboring failure. It was, to be, an inappropriate design for the place.

TRUSTEE BREDEMEYER: A questionable design. I'm just curious what Trustee Williams' and Trustee Domino's take was, or was there nothing there to inspect by that time.

MR. KIMACK: By the time they got there it was a bluff and that was it, right?

TRUSTEE DOMINO: It very difficult to determine.

MR. KIMACK: I could add at every one of the 6x6s, I could add a 10x10 -- a 3x10, basically, across there as a bluff to make sure the soil doesn't migrate.

As you well know, the DEC holds you to, if you are putting this in, and of course it doesn't really apply to this case, they like to hold you one foot on both sides of the four-foot wide staircase, and not to clear any further than that, primarily. Of course in this case, there is nothing left. So. But just to let you know that this is one of their requirements. You have six foot down and you follow that line and you don't, if you've got a vegetated slope, you don't want to extend beyond that. So I mean I could put a 3x10 barrier across each one of the legs to further protect the erosion, specifically, certainly subject to the staircase itself.

TRUSTEE BREDEMEYER: I'm wondering, a plan that would incorporate that, or possibly using some jute matting or whatever along the edges or with those boards might address the LWRP coordinator's concerns.

MR. KIMACK: I can do between the boards. So, I can do double jute matting, basically, like that. And in between each one in the soil and do the 3x10s and actually go down into the soil with one 3x10 and come up with another 3x10 on top of it, and extend it one foot on both sides so that I do cover the six foot.

TRUSTEE BREDEMEYER: So can we ask for a plan mod to show that and also that low barrier on the landward side --

MR. KIMACK: I can modify the both plans to put the low barrier. I'll talk to my clients whether they want to see the 8x8s staked in as you had suggested prior, you know, by using re-rods, probably a number five, which is a 5/8th re-rod at about two or three feet, and then I'll modify the staircase to include the

cutting across the 6x6s, bolting in the 3x10s and then jutting it all the way down to hold the stone.

TRUSTEE BREDEMEYER: Sounds good. Any additional questions or concerns?

(No response).

Anyone wish to speak to this, additionally, the Trustee concerns.

TRUSTEE WILLIAMS: I just want to state, I have no desire to restrict access for a waterfront property owner to access the water, and I'm in favor of the proposed stair access. Just keep in mind in the future, a couple years ago we had, the property owner to the west, Storm Grace was the biggest issue as to why that came out, and moving forward, if you do need to do some sort of stabilization at the base of the stairs like the neighbor did, that could be addressed at that time.

MR. HAGAN: And, Mike, just so I'm clear, when I looked at the two applications, I mean you have the one drawing that looks like the staircase runs at the end of the right-of-way, and then the drawing that I see up on the screen right now, page two of the application, certainly makes it look like it's off the right-of-way.

MR. KIMACK: I'll ask Young & Young to move it over. Because I did have it that way before, and that's where they put it, primarily.

MR. HAGAN: Just the way that one plan looks, is a little bit deceptive. And if it's there for the benefit of the applicant and people that have the right to use the right-of-way, you should make that obvious in the description.

TRUSTEE DOMINO: That's reference the plans stamped received February 6th, 2020.

MR. KIMACK: I'll get all three of the plans adjusted as we discussed. As an observation, everybody on the Board, I want to be quick, I know you must be exhausted. You are very familiar with Soundview Avenue, basically, along that way. You are dealing with that big bulkhead that was put in, everything was eroded down, it was a high concrete wall, essentially like that, by Costello, which was two over from the one that I did recently, with the hardening and slopes and all the retaining walls and seawall, et cetera, like that, which would be taken out, et cetera, there is a staircase over there that I did about four years ago, built exactly like this, and the erosion from that property came within five feet of it and it didn't budge. It stayed in place.

TRUSTEE BREDEMEYER: Okay, very good.

TRUSTEE DOMINO: One last comment. I would like to see this non-disturbance be non-disturbance.

MR. KIMACK: As opposed to, quote, disturbance. I got your message, Mike.

TRUSTEE BREDEMEYER: Okay, hearing no further comments, I move to table this application subject to submission of a new top down project plan from, as purported that would be from Young & Young that would show the location of this stairway, staircase the

same as in the February stamped in the Trustee office February 6th, 2020, plan, and that additional amendments to the project plan indicating terracing and jute as discussed, as well as the addition of a low profile barrier landward limit of the 40-foot non-disturbance buffer. That's my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Aye.

TRUSTEE KRUPSKI: Number 14, Cole Environmental Services on behalf of **EMMA VAN ROOYEN & JANE ABOYOUN** requests a Wetland Permit to remove existing dock and construct new in-place consisting of a 4'x±13.7' fixed landward ramp to a 4'x±57 linear foot long fixed dock using thru-flow decking (to 4'6" above existing grade); a ±28.5"x4' wood hinged ramp; a new 6'x20' wood frame floating dock situated in an "L" configuration with two (2) 8" diameter piles to secure floating dock; new ±8.7'x2.6' wood frame bench seat to be built on fixed dock; all wood and pilings to be pressure treated; new/existing floating docks not to rest upon bottom of creek; dock pole depth to be determined by height of pole above grade; if height above grade is greater than 10', dock pole depth below grade to be equal length to height above grade; if height above grade is 10' or less, pole depth to be 10' below grade min.

Located: 575 Hill Road, Southold. SCTM# 1000-70-4-29

Can you pull up the field notes, Dianne, please. Thank you.

The initial was insufficient water depth and then to warrant a float. And if you can go to the most recent. That was the 9th of October. And then the most recent was the 11th of March, at which point we reviewed the new plans we received, and the notes were okay with the revised plans for fixed dock.

The Conservation Advisory Council resolved to support this application.

And the LWRP coordinator found this to be inconsistent.

The inconsistency, I'll read as follows: In 1985 the Board issued a Wetlands permit grandfathered for a dock. The current dock configuration is not compliant with the permit.

As just a little background, as stated with the field notes, the Trustees originally viewed this application, there was an issue with it with regard to the water depth. It now is a through-flow dock, with good distance across the channel to a fixed platform at the end. With new plans received at the office July 13th, 2020.

Is there anyone here that wishes to speak regarding this application?

MR. BELNIAK: At the moment there are no hands raised.

TRUSTEE KRUPSKI: And are there any Trustee comments regarding

this application?

(Negative response).

Hearing no comments, I make a motion to close this hearing.

MS. CANTRELL: Can I interrupt? Dennis Cole is online.

TRUSTEE KRUPSKI: He might not want to talk to this application.

I mean, if he's not interested -- if he's interested, he could raise his hand for it.

(No response).

Hearing no comments, I make a motion on close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith: Aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE KRUPSKI: I make a motion to approve this application

with the new plans dated -- received in the office July 13th,

2020, and the new project description which reads as follows:

Existing dock to be rebuilt in place with modifications total

length of dock to be plus or minus 52 linear feet. New 13.7'x4'

fixed ramp with through-flow decking to a 4'x6' above existing

grade leading to a plus or minus 6'x4' fixed pier with

through-flow leading to a plus or minus 32'x4' new fixed ramp

with through-flow to a new 4'x20' wood frame fixed dock with

through-flow decking, three-foot higher than spring than spring

high water, thereby bringing this application into consistency

with the LWRP coordinator. That is my motion.

TRUSTEE WILLIAMS: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

Number 15, Cole Environmental Consulting on behalf of **MARIA ULMET** requests a Wetland Permit to install ±119' of new vinyl low-sill bulkheading and 8" piles along mean high water as indicated, and two (2) 8' returns at each end; existing piles to remain; regrade bank to establish 1:2 slope and place rip-rap; use bank material as bulkhead backfill (approx. 5 cubic yards); excess material to be removed to an upland site as necessary; install and perpetually maintain a 10' wide non-turf pervious buffer composed of rock rip-rap along the landward edge of the low-sill bulkhead; install silt fencing behind bulkhead; all timber shall be pressure treated No. 2 southern pine and all hardware shall be hot-dip galvanized; and all disturbed areas outside low-sill bulkhead and rip-rap areas are to be reseeded and mulched following completion of the construction activities. Located: 4600 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-33

The Trustees performed a field inspection at this site pre-March 11th, noting that the project seemed straightforward.

The LWRP found this proposed action to be inconsistent with the LWRP, noting that new bulkheads in creeks and bays are prohibited unless the operation involves construction of a low sill bulkhead.

The Conservation Advisory Council did not review the application.

Is there anyone here that wishes to speak to this application?

MR. BELNIAK: There are no hands raised at the moment.

TRUSTEE WILLIAMS: When reviewing the application in the field, the plan that we had looked at, it did appear to be more straightforward at the time.

There is also a letter in the file. I'll reference that letter. Bear with me. August 17th, 2020, we did receive a letter from Robert Whelan, a neighboring property. It's a lengthy letter. It is in the file. But he had a couple of questions. Basically questioning a low sill bulkhead. The plans show 8" diameter piles projecting four feet above the low sill bulkhead. And he had a concern with the project going under his dock on his property. The letter is in the file if anybody else wishes to review it.

At work session, after reviewing the letter and reviewing the notes from the LWRP and taking a closer look at the plans, it doesn't really appear to be a low sill bulkhead. And I'll let some of the other Trustees add to what I'm saying.

TRUSTEE DOMINO: Well, by definition, it's not low sill because the side elevation shows it is not flooded at high tide.

Accordingly -- yes, that's the diagram. So according the code, it's not a low sill bulkhead and is prohibited in this location.

TRUSTEE BREDEMEYER: And based on the project plan it's not flooded at spring high water, so I guess it would be only a low sill during extreme storms and maybe hurricanes.

TRUSTEE WILLIAMS: I see have a hand raised, neighboring property owner.

MR. KRUDOP: Good evening, gentleman. My name is Robert Krudop. We originally proposed a low sill bulkhead, as everybody suggested, and we got shot down by Suffolk County. It seems that the land underneath the canal has been deeded over to the Parks Department and where it should have went to you folks. And they said we can't touch anything below the mean high water mark. That's why we bought the, I consider more of a toe guard, because it's no longer a low sill bulkhead, because the rock, I guess the 14 years that we've had success with the rip-rap on my property, the only, I guess the only except, the rock started to sluff off at the very bottom into the canal. That's why we are looking to just hold the base of that. And that's what this structure is. But the cross-sectional drawing should have been updated. Cole was supposed to submit new ones to Elizabeth, and the sheathing isn't nearly eight feet. They were going to

eliminate the pilings, and if they were going to have a piling in the front, that had to go through Engineering. They were not going to be raised above that level. There was no need to, in length. And the sheathing was only to be about four foot. Just to hold the toe from falling in, the toe of the rip rap from falling into the creek from continued erosion.

Does that make sense to you folks?

TRUSTEE WILLIAMS: I understand what you are saying.

MR. KRUDOP: Is there any more to the submittal that you have?

TRUSTEE KRUPSKI: Well, I think with regard to the, we basically, as it stands we would not be able to permit this in because it is a bulkhead. So if you were to just lower in location and slightly change the grade of the property going landward, I think you can still accomplish a low sill, which would legally allow to us approve something of that nature.

MR. KRUDOP: Can you go back? I got cut off.

TRUSTEE KRUPSKI: Do you know where you got cut off? Do you want me to repeat the whole thing?

MR. KRUDOP: If you don't mind.

TRUSTEE KRUPSKI: Sure. Legally, as it not being a low sill, it's essentially, it would be, even though it is very low, we would have to look at that as a regular bulkhead, and we would not, we are legally obligated to deny that. But if you were able to lower that to an appropriate low sill, and do a slight regrading, you know, on the property going landward, that would be something that we could, you know, approve going forward. But as it stands, that is unfortunately not legal.

MR. KRUDOP: I have Dennis on the phone. He's on my phone right now, and he can't get through on your website to explain it. But he has the plans.

TRUSTEE WILLIAMS: Is it Dennis Cole?

MR. KRUDOP: Yes, it is Dennis Cole.

MR. BELNIAK: Dennis Cole is here. He just has not raised his hand to speak.

Dennis -- I can permit Dennis to speak. It's not that he can't get through. This is a webinar format. We permit people to speak. I can open up Dennis' mic, if you prefer.

MR. KRUDOP: He would love to.

MR. BELNIAK: Dennis, I'll send a command for you to open up your mic, and the floor is yours. You have to un-mute your mic first, Dennis.

MR. COLE: Can you hear me?

MR. BELNIAK: Yes, we can.

MR. COLE: Thank goodness. I was hitting *9 hundreds of times.

MR. BELNIAK: *9 is if you are on a telephone, sir.

MR. COLE: (Laughing). You didn't specify that.

MR. BELNIAK: Yes, we did, earlier. You just need to use the "raise your hand" feature on the bottom of the Zoom.

MR. COLE: Okay. I didn't see that. Okay. So speaking for Mr. Krudop, I have, we read the Waterfront's opinion. Subsequently I contacted the engineer, I have revised plans showing the top

of the low sill bulkhead at mean high water, so between mean high water and high water, the water will go over it and meet your standards.

And I can, I just got them today, as a matter of fact, so I can actually forward them to the Trustees for review. I have it for Mr. Krudop and I have it for Mrs. Ulmet, and we can, I think that should meet your standards at that point.

TRUSTEE WILLIAMS: So at this point would you like to request that we table this?

MR. COLE: Yes, please.

TRUSTEE KRUPSKI: I want to just throw it out there so this doesn't get pushed back another month. There was some discussion and, you know, I'll sort of leave this up to you, Dennis, but it doesn't necessarily seem like the entire area needs to be rip-rapped. You know, it is a pretty quiet creek and possibly it's something that if we do low sill on both of these properties maybe the rest can just be filled in naturally with planting. It would probably save the homeowners a little bit of money and, you know, accomplish what we want to accomplish as well.

MR. KRUDOP: Not unless you raise the toe of the bulkhead, it's not going to work.

MR. COLE: So getting back to that, some of the areas are, you know, quite eroding. Ms. Ulmet's property, I don't know if we can talk about that at this point, but --

TRUSTEE WILLIAMS: We are beyond Ulmet's application.

MR. COLE: Okay. So Ulmet's property is eroding quite substantially. I checked the soils in the area. It's really kind of like the soils maps the USG soils maps indicate that it's an area that was either filled in the past, there is obviously some sort of cut and fill going on, and the soils are relatively poor. The experience, and we did say this in our application, that the experience of the homeowners in past plantings, they had great difficulty in getting things to grow there, just because of the amount of wildlife that utilize the creek area. And that was why they basically selected the rip-rap. The rip-rap has been successful. That's why they basically want to continue it. Not to say that, you know, over time, things can grow up through rip-rap. It doesn't mean it necessarily won't happen. I have seen it happen in the past as well. So I would just like to offer that.

TRUSTEE BREDEMEYER: I guess the question is would not, let's say very small coir logs or jute matting with plantings, I don't know if you are aware of this, where basically the toe protection would stabilize the materials, and then the fineness of the jute matting would tend to capture some of the leavings of the critters inhabiting there and provide natural nitrogen that would support Spartina.

I believe Trustee Krupski brought up the issue of the rip-rap for this discussion. It just looks out of place and looks like something for kids or adults to trip and bruise their knees

on. At the same time, it's not providing any real, you know, environmental benefits. Questionable esthetics. I'm not into that, you know, just my thoughts.

TRUSTEE WILLIAMS: Would it make sense at next field inspection to meet onsite with Mr. Cole, Mr. Krudop and Mrs. Ulmet?

MR. COLE: I would be happy to do that.

Rob?

MR. KRUDOP: Yes. Absolutely.

TRUSTEE WILLIAMS: And then we can look at the revised plans as well onsite and talk about what more possibilities there would be other than rip-rap

MR. KRUDOP: Sure.

MR. COLE: Sure, that's fine.

TRUSTEE BREDEMEYER: If I can add to that, too. I'm concerned about what the state of the art is with respect to low sill bulkheads and the elevations over mean high water, over or below mean high water that improve their functionality. Because it would seem the slopes here don't have to be that extreme, that we want to have a fully functional fringe as we could. It seems if the bulkhead were at the mean high water mark and usual tides are not going over it, we simply have blessed another bulkhead in this location. It seems to me it should be lower than the mean high water mark by a certain amount. At least that is what my own experience in the past has been.

MR. COLE: Well, the initial application actually was factually put the low sill bulkhead out at mean low water, and actually do some plantings, and then on the upland portion put the rip-rap. But the County of Suffolk owns the bottom and would not allow any work to occur on their bottom.

TRUSTEE BREDEMEYER: Did you have that in writing?

MR. COLE: Yes.

TRUSTEE BREDEMEYER: Was that through Mr. Gibbons?

MR. COLE: Yes.

TRUSTEE BREDEMEYER: Because the history of some of these creeks was that it was, that it's been a small Trustee creek and then for whatever reason people tried to claim ownership and then variously failed to pay taxes on it. But it's unfortunate that there seems to be a lack of knowledge on his part of low sill bulkheads.

TRUSTEE KRUPSKI: Is it clear where the property line is with these properties? The homeowners don't own out into the creek at all?

MR. COLE: No. Basically the alignment of the low sill is basically one foot landward of the property line so it's not to interfere with Suffolk County Parks owned bottom.

TRUSTEE KRUPSKI: Yes, because if they have been losing property for some time now, I would have to imagine some of their property is under water.

MR. COLE: Some of it is defined by meets and bounds rather than the tide line along mean high water.

TRUSTEE KRUPSKI: Does anyone else know what I'm saying?

(Affirmative response).

MR. KRUDOP: Am I still able to talk?

MR. BELNIAK: Yes.

MR. KRUDOP: Some of the properties, it varies depending what lot is along the canal. Like in my instance, it has an unobstructed use of the canal. On Ms. Ulmet, she owns to the center line thereof, and I believe Mary owns to the center line thereof, as well. It varies from lot to lot. But the surveyor dictated on mine that my property actually goes with the, I guess the mean high water mark, which would put my neighbor's dock over my property. His ramp. As you see in the survey. Robert Whelan, the man that wrote the paperwork in.

TRUSTEE KRUPSKI: Right. Right.

Okay, I think it makes sense to meet onsite to discuss both of these applications in person and get a fresh sense of exactly the conditions there.

MR. KRUDOP: When are we talking about that?

TRUSTEE WILLIAMS: That would be Wednesday, September 9th. Typically we get to Mattituck somewhere after lunch, somewhere in the neighborhood of 1:00 to 3:00.

MR. KRUDOP between one and three.

TRUSTEE WILLIAMS: Yes. That's very vague, but, yes. We start at 8:00 AM and we work our way to Orient along the north shore, and then we work back to Laurel along the south shore.

MR. KRUDOP: Would it be possible to text if you are like 45 minutes away, or something like that?

TRUSTEE WILLIAMS: Sure, what you would want to do is communicate with the office the morning of that or the day before that, to make sure we have your phone number and we can definitely call both of you. and Mr. Krudop, if you wish an hour, 45 minutes, half hour before we get to the site.

MR. KRUDOP: Wonderful. Thank you. Very good.

TRUSTEE WILLIAMS: Does anyone else have any further questions
(Negative response).

At this point you would like to have this tabled, Mr. Cole?

MR. COLE: Yes, please.

TRUSTEE WILLIAMS: I make a motion to table this application.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

TRUSTEE KRUPSKI: Trustee Krupski, aye.

TRUSTEE WILLIAMS: Trustee Williams, aye.

TRUSTEE GOLDSMITH: Number 16, Cole Environmental Consulting on behalf of **ROBERT KRUDOP** requests a Wetland Permit to install $\pm 131'$ of new vinyl low-sill bulkheading and 8" piles along mean high water as indicated, and an 8' return at south end; existing piles, dock, ramp, and float to remain; regrade bank to establish 1:2 slope and place rip-rap; use bank material as

backfill (approx. 50 cubic yards); excess material to be removed to an upland site as necessary; install and perpetually maintain a 10' wide non-turf pervious buffer composed of rock rip-rap along the landward edge of the low-sill bulkhead; install silt fencing behind bulkhead; all timber shall be pressure treated No. 2 southern pine; all hardware to be hot-dip galvanized; and all disturbed areas outside the low-sill bulkhead and rip-rap areas are to be reseeded and mulched following completion of the construction activities.

Located: 4650 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-34

The LWRP found this to be inconsistent. It does not comply with Article Two, Permits, 275-11 Construction and Operation Standards, bulkhead in creeks and bays are prohibited, unless the operation involves the construction of low sill bulkhead. And that structure does not meet the definition of low sill.

The Conservation Advisory Council did not do an inspection, therefore they made no recommendation.

The Trustees conducted a field inspection March 11th, at the time noting the project was straightforward. Changed upon work session. And also have the same letter in the file from Robert Whelan, objecting to it.

Based on the comments from our previous application, Mr. Cole, do you want to table this application as well and meet out in the field?

MR. COLE: Yes.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak regarding this application?

(Negative response).

I'll make a motion to table this application at the applicant's request.

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye

TRUSTEE KRUPSKI: Trustee Krupski, aye

TRUSTEE WILLIAMS: Trustee Williams, aye.

X. PUBLIC HEARING RESOLUTION:

TRUSTEE GOLDSMITH: Last but not least. Roman numeral X. Public hearings.

1. WHEREAS, there has been presented to the Town Board of Trustees of the Town of Southold, Suffolk County, New York, on the 12th day of February, 2020, a desire to close certain waters within several creeks in the Town of Southold now, therefore, be it

RESOLVED that the Town Board of Trustees of the Town of Southold will hold a public hearing on the aforesaid resolution at Southold Town Hall, 53095 Main Road, Southold, New York, on the 16th day of September, 2020 at 5:30 p.m. at which time all interested persons will be given an opportunity to be heard.

BE IT ENACTED by the Town Board of Trustees of the Town of Southold as follows:

I. Purpose

The purpose of this proposed closure is to preserve our natural recourses and shell fisheries to allow for replenishment and growth.

II. Amendment

RESOLVED, that the Southold Town Board of Trustees in an effort to preserve our natural recourses and shell fisheries hereby designates the following waters a restricted area pursuant to Chapter 219-16 (Shellfish) of the Code of the Town of Southold where shell fishing shall not be permitted for the years 2020 and 2021:

The waters of Richmond Creek in the Hamlet of Southold located within the following boundary:

North of an imaginary line commencing from a point at a painted yellow 4"x4" stake located at 41° 2' 2.29" North 72° 26' 49.94" West running eastward to a point at a painted yellow 4"x4" stake located at 41° 2' 3.29" North 72° 26' 39.11" West; and

The waters of Corey Creek in the Hamlet of Southold located within the following boundary:

East of an imaginary line commencing at a painted yellow 4"x4" stake located at 41° 2' 13.18" North 72° 25' 13.70" West running southward to a painted yellow 4"x4" stake at a point located at 41° 2' 1.52" North 72° 25' 4.40" West; and

The waters of Broadwaters Cove in the Hamlet of Cutchogue located within the following boundary:

South of an imaginary line commencing at a painted yellow 4"x4" stake located at 41° 0' 43.36" North 72° 27' 11.38" West running eastward to a painted yellow 4"x4" stake at a point located at 41° 0' 48.36" North 72° 26' 51.86" West.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this resolution shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This shall take effect immediately upon filing with the Town Clerk as provided by law.

TRUSTEE GOLDSMITH: That's my motion.

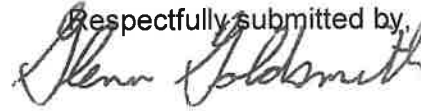
TRUSTEE WILLIAMS: I'll second that motion.

TRUSTEE GOLDSMITH: All in favor?

Trustee Goldsmith, aye.

TRUSTEE DOMINO: Trustee Domino, aye.
TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.
TRUSTEE KRUPSKI: Trustee Krupski, aye.
TRUSTEE WILLIAMS: Trustee Williams, aye.
TRUSTEE GOLDSMITH: Motion for adjournment.
TRUSTEE WILLIAMS: Second.
TRUSTEE GOLDSMITH: All in favor?
Trustee Goldsmith: Aye.
TRUSTEE DOMINO: Trustee Domino, aye.
TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.
TRUSTEE KRUPSKI: Trustee Krupski, aye.
TRUSTEE WILLIAMS: Trustee Williams, aye.

Respectfully submitted by,

A handwritten signature in dark ink, appearing to read "Glenn Goldsmith", written in a cursive style.

Glenn Goldsmith, President
Board of Trustees